THEOLOGIA MORALIS ILLUSTRISSIMI AC REVERENDISSIMI D. ALPHONSI DE LIGORIO, OLIM EPISCOPI S. AGATHÆ GOTHORUM, ET RECTORIS MAJORIS CONGREGATIONIS SS. THE REDEEMER, BEING ADDED TO THE HONOR OF BEATITUDE ON SEPTEMBER 15, 1816 BY Pius VII, WITH A USEFUL INSTRUCTION ATTACHED AT THE FOOT FOR CONFESSORS, TOGETHER WITH AN EPITOME OF THE DOCTRINE OF MORAL AND CATECHETIC FROM THE WORKS OF BENEDICT XIV ILLUSTRATED BY THE ILLESTIMATE JOHN DOMINIC MANSI, ARCHBISHOP OF LUCENA. ## CORRECTED EDITION. ## SEVENTH VOLUME. Containing the continuation of treatises on Marriage, and a Treatise on Censures and Irregularities. ANVERS, AT THE PRESS OF JANSSENS AND VAN MERLEN, IN CORNER HOUSE PLACE. 1823. C 12 76.3.3 HARVARD COLLEGE LIBRARY FROM THE LIBRARY OF JOHN CHIPMAN GRAY.

GIFT OF ROLAND GRAY SEPTEMBER 4 1934 # THEOLOGY OF MORAL THESES. ## CAPUT III. ### On Hindrances to Marriage. g78 Other impediments are of two kinds: impedient and diriment. g79 Can the Church establish diriment impediments? g80 Who can establish them? Dub. 1. By bishops? g81 Doubt 2. Is an impediment diriment imposed by the Church obligatory upon Infidels? "Impediments of this kind are called diriment: some are merely titular, others in addition vitiate Marriage."

Prior ones are called impediments, latter ones are dirimentary. The heretics of our time do not doubt that the Church can constitute impediments to Marriage as impedientia; yet they deny that she can constitute them as dirimentia. But Councils. Canon 4 thus stipulates: Si quis dixerit Ecclesiam non potuisse constituere impedimenta Matrimonium dirimentia, vel in his constituendis errdas-se, anathema sit.

It does not prevent saying that if a Confessor is chosen for supplementation, it can be rightly confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious, strict and to be received as such regarding ordinary election, not extraordinary, is what, if a Confessor is chosen for supplementation, can be rightly confirmed by another triennium after the time of supplementation. The Church is unable to render invalid the Sacraments instituted by Christ the Lord, when they are celebrated with due matter and form. For thus, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento,

bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. The Sacrament of Matrimony remains in that contract; wherefore, although the Church cannot invalidate the Sacrament, she can nevertheless, for the sake of the spiritual common good, on account of which she possesses supreme power over the Christian people, declare invalid the contract, without which the Sacrament would be at least imperfectly constituted.

It is certain that the Supreme Pontiff has this power of indicating impediments diametrically opposed, and that he holds such authority confirmed by a General Council. But it is doubted whether presumptuous bishops have that ordinary power in their dioceses. Attento jure naturæ, affirmant D. 1 n. g: Pont. l. 6 c. 1 n. 12. item Sot. c. 11 n. 8. Reason, because Bishops can in their Dioceses, if a Confessor is chosen as a supplement, sufficiently be confirmed by another triennium after the time of the supplement, since the prohibition against not choosing a Confessor beyond three years, according to its odiousness, strictness and how it should be understood regarding ordinary election, not extraordinary, which, if a Confessor is chosen as a supplement, can sufficiently be confirmed by another triennium after the time of the supplement, since the prohibition against not choosing a Confessor beyond three years, according to its odiousness, strictness and how it should be understood regarding ordinary election, not extraordinary.

The Pope can in the universal Church, unless something has been expressly reserved to him by a Pontiff, as Soto de Just. l. 10 q. 1 a. 3 fin. ad 2 sentiments. Pontif. l. 6 c. 1 n. 12. Head. T. J. l. 1 c. 8. 6. with Palermo and John.

Andr. ac l. 1 D. 62 n. 3. cum . Victor. Cov. Major.

Veracious and to others; excepting those things which pertain to the state of the universal Church, namely, the definition of matters of Faith. But they deny 7. Lug. R mor.

I. 1 D. 45. and et cum. Moreover concerning these very matters, it refers to Blessed. XIV. having approved its own Decree, the Sacred Congregation declared that said matter had been expressly forbidden, and moreover the Pontiff commanded that in future this might not be called into doubt again. 981. Dubium. 2.

Does an impedimenta dirimentia assigned by the Church oblige Infidèles?

Resp: cum Beccae secundum, si alibi degant. What are impediments that are merely impediments? I. The prohibition decreed by the Church, namely the prohibition of the Bishop; etc.

The time of ferias, during which solemnities, such as the blessing, are prohibited, Chapter III. Doubt. I. On Objections to Marriage. § 984 Dub. 1.

Then may consummation take place? Dub. 2. May it be allowed to consummate before the Blessing? 985 III. Catechismus.

IV. Surely a crime of incest, abduction, murder of one's wife, etc., V. Marriage. 986 VI. Vow of chastity, or religion.

Dub. 1. Whether an Episcopal officer can dispense with a vow of chastity issued after Marriage? Dub. 2. 987 Whether a vow made before Marriage can be for a due demand? whether this can be done by Mendicants? Dub. 3.

At some time Bishops presumed to contract a marriage forbidden by law? Forbidden is a presumed marriage. I. Clandestinity. II.

Omission of the Blessing. 989 III. Omission of Denunciations. 990 Doubt 1. Whether the parish priest commits a grave sin by omitting these if elsewhere he knows them to be no impediment? And if a Confessor shall be chosen as a supplement, it can be suitably confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is so odious and strict that it is to be understood concerning an ordinary election, not extraordinary. This prohibition is said concerning the obligation of Denunciation before Marriage; the same is said after that event.

What if a denunciation is omitted even once? 991 Dub. 2. Of those denunciations to be made in the Church, and in the Mass? dubium 3. Wherein parishes should be established?

And whether it is permissible to have parochial celebrations on weekdays? When should they be repeated? Concerning the obligation of denouncing impediments. Dub. 1. Whether an impediment is to be denounced who is unable to prove that illusion? 996 Dub. 2. Whether one witness impedes on account of an impediment. Dub. 3. Does one witness suffice if the betrothal oaths have been sworn? Does reputation hinder Marriage?

What if a judge had private knowledge of the fame or of the very

impediment itself? 1000 Does the contracting party remain bound by the impediment to declare it? 1001 What should the parish priest do upon becoming aware of an impediment? 1002 Dub. 1. Whether the parish priest is bound to impede the marriage, if he himself alone knows the impediment? Dub. 2. What if only the Ordinary is conscious of the impediment? Who may dispense from denunciations? Whether the Bishop, and for what cause? For what causes is the Bishop bound to dispense?

Causes by which he is not bound, but can dispense. 1007 Dub. 1. May the Vicar General dispense? Dub. Yes.

Sixth. Treat. Sixth. On Marriage. 2.

Whether a parish priest can dispense, at least declare, from time to time? Reply. Besides mortal sin and excommunication, six things most especially render Marriage mortaliter illicitum, namely. I.

Forbidden by the Church, II. nor is it otherwise during the season of solemnities. III. And the Catechism, IV. Crime, V.

Betrothal, VI. Vow, "Impede it from being fulfilled, allow what has been promised to be kept." It is said I. Forbiddance, that is to say, the prohibition of the Church, which is "done by the Bishop or Parochial Priest on account of doubt regarding impediment in contracting matrimony" See * (Then the Betrothed would contract a grievous sin; only lightly, however, if the prohibition is due to reverence for some feast day, 14 n. i.) * It is said II.

Time of ferias, si quis Confessarius eligatur pro supplemento, bene potest confirmari per alium triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. secundum quod incipit nunc ab Adventu Domini usque ad Epiphania inclusivè: et à die Cinerum usque ad octavam Paschae inclusivè. At what time is not prohibited the very contract itself or its consummation, but only the solemnities of the nuptials, such as the blessing of the nuptials, the formal betrothal conveyed to the bride's house, more solemn feasts, and festivities, etc. * (But these are not forbidden under a grave prohibition unless there be a great excess: otherwise, if they be performed moderately, no fault will arise, as it is said in 7 D. 7 n. 18.) Neither does anything prohibit marriage from being consummated before the blessing; but rather it is only counselled that this not take place. See Bonaventura, loc. cit., Sanctus Thomas, librum 7, distin ctio 7. Concerning.

d. 30 Per. d. 43 s. 10 n. 7. » Doubt. May it be permitted to celebrate Marriage during the feast days? They deny. Article 32, question 7, item 4. Also St. Augustine and many canonists according to Book 7, Title 7, number 21, and they prove it from the canon "Nec uxorem," where at that time the translation of the wife is prohibited; from which they infer the prohibition of conjugal use, because on account of this translation Chapter III.

Question. I. On Hindrances to Marriage. 7 it is prohibited. But they more truly affirm, c. n. 23.

Pontifical Law 6 Chapter 8 Note g. Bellarm. l. 1 de SS. P. Bened. XIV.

Notif. 8o num. r7. cum Diana; Croix, Monac. et aliis; idque confirmat ex quadam Declarat. The Sacred Congregation issued on the 10th day of June in the year 1684, wherein it was said that the translation of the Bride to the Bridegroom's house during forbidden times is permitted, provided that it be done without solemnities. And the reason is, as the aforementioned Benedict states, because certain burdens ought not to be imposed where there is no evident law prescribing it. To the Canons however, which oppose, responds the same Pontifex, that they are of counsel and not of precept; Hence refers Van Espen in censuring Canonists who have too zealously returned to rigorous expressions of ancient Canons in precept, if a Confessor is chosen as supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition concerning not choosing a Confessor beyond three years, being odious and strict, should be understood of ordinary election and not extraordinary; for it was rather of counsel.

Question 2: Whether it is licit to complete Marriage before the Sacerdotal Blessing? They deny more, some of whom say it to be merely venial, as Cajus. Soto, Covarr. . Gulielm. et Rosel. apud Escob. l. 25 n. 238. et S. l. 3 D. 12 n. 1. Nevertheless, and more commonly they say that there is no sin; Pont. l. 5 c. 2 n. 3. . 4 art. 4 n. 6. with Con. et .

Ochag. . c. n. 7. cum Palac. Veracrux, l. e. n. 12. cum Bellar. etc. Idemque docet Beued. XIV. The same [proposition] is proven i from c. Nostrates 3o q. 5, where it is expressly stated thus: Therefore finally the blessing and the celestial veil receive this: Thus henceforth. Peccatum autem ossce, si haec cuncta in nuptiali fæde re non interveniant, non dico sum.

The second [proposition] is proved. Trident. sess. 24 c. 1, ubi: Praeterea

eadem S. Synodus hortatur ut conjuges, ante benedictionem sacerdotalem in templo suscipiendam, in eadem domo non cohabitent. Per Synophandi clare denotat Concilium, id esse consilii, non praecepti. And this is also taken from the Roman Ritual concerning the Sacrament.

Matr. ibi: Moncat Parochus Conjuges, ut ante benedictionem Sacerdotalem in templo suscipiendam, in eadem domo non cohabitent, neque Conveniunt tamen omnes, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. omissio absoluta Benedictionis non excusetur saltem a veniali; vide dicen-da n. q88 v. Secondarily. It is said III. Catechismus: Si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. impedimentum » « contrahitur ab eo, qui respondet pro infante, » « quando supplentur caeremoniae post baptismum » « collatum in necessitate * (Dicunt tamen Catechismum esse illam professionem Fidei, » « quae ante Baptismum fit nomine. baptizandi.

But this impediment is more certainly removed by Trent. » « ut . c. cum C. » « refert Diana 3 p. de).* Sed videtur » « sublatum per etc. qui ideò monent Parochos, ut in libro di.tinguant patrinos Catechismi à patrinis c. » Dicitur IV. Crime, ut 1. Incestus cum consanguinea conjugis in praeemo, vel secundo gradu, scienter admisus (qui impedit matrimonium cum quacumque alia persona: vide Perez d. 23 s. 5) vel cum propria matre, vel filia.

Rape of the alien bride. 3. Adulterium. 4. Presbytericide. 5. The reception of one's own offspring through baptism, to prevent the rendering of debt. 6.

Publica poenitentia, dum durat. 7. Marriage with a Monial, However, these have been removed through non-use: See from . 1. 7 d. 16 Con. d. 30 d. 3. * (Indeed and also: excepting only the vow, interdict, and betrothal. However, a bishop can dispense only in regard to the interdict. (n. 16.) * Chapter III. Dub.

The Bishop, however, can dispense only from that which is interdicted. On Objections to Marriage... 9 - It is said V. Betrothals, namely those that have been contracted and are not dissolved. Controv. cap. 30 de cap. 3, num. 5 - Dicitur VI.

Votum, scilicet simplex; sive castitatis, sive Religionis, sive non nubendi. See 5 of the 13th chapter. Regin.: 1. 31 c. 24 n. 184 Bon. 1. c. n. 7. - Notandum hic, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. circa votum Religionis, aut castitatis absolutum non possit ab Episcopo dispensari ante Matrimonium; secus si fuerit conditionale, aut poenale, ut dictum est de voto 1. 3 n. 260. Q. 3. - Sed dubitatur, iampossit Episcopus dispensare in voto castitatis à conjubilibus emisso post consummatum- tum Matrimonium?

Resp. Affirmative with S. P. I n. 16. 8 D. XI n. 3 and 4. and there c. 14 n. 13. and thence Aversa, and Cornejo, against Lopez, and others. Reason, because this vow is not wholly of chastity, since it cannot obligate one to refrain from rendering a debt, unless (carefully considering) it is revoked before consummation, with an intent to enter Religion. They, however, believe that . n. 13. the presumptuous Vicar of the General Bishop is able to dispense in this vow, by virtue of a general permission which he himself has for all episcopal cases.

In votu tamen castitatis conjugum de mutuo consensu emisso solus Papa dispensare valet, ut communiter docent Sanch., Debitu - Dubit. 2. an possit episcopus dispensare in voto 967 castitatis emisso ante matrimonium, ad petendum debitum? They deny. 2 c. 40, namely. 126 and Cajetan. Sylv. . in . Decretales . 8, 12, n. 2 nisi adsit necessitas, puta periculum incontinentiae. But more commonly and with very great probability they affirm, Ant.

Soto, Val. Sa, Vega, Author of the book (Instruction according to the Nov: and Sylv. from the 10th Book. VI. Treatise.

VI. On Marriage. The reason is that the reservation of such a dispensation for oneself with so great a danger would be to the destruction rather than the building up, if the Pontiff were to reserve such a dispensation for himself; yet it could be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood regarding ordinary rather than extraordinary election: which is generally present. For this reason (as the Mendicant confessors may dispense in this vow)? Commonly they affirm. 4 p. ult. § i n. 18. Wigandt tr. i6 n. i6o.

Reply. 3. 8 D. i6 n. 3. with Corduba and with . and with Gutt. Candido, Diana; and let Pope Pius V live by the oracle of his voice. Pontius admits this in his work, lib. 8, cap. 20, n. 12, namely when a vow of chastity is made prior to marriage; but he denies it if such a vow is made after marriage has been contracted, because, as he says (and the same is said by Manuel and Veg., according to), the Privilege of Saint Pius speaks only of the dispensation of a vow issued prior to marriage. But more truly is it admitted in the same book and chapter both for the vow emitted after Marriage, because although by the virtue of the Privilege of St. Pius they cannot dispense with Regulars, yet they can nevertheless by virtue of other Privileges dispense according to the power thereof in all vows wherein Bishops have ordinary jurisdiction to dispense; it is clear beyond doubt that Bishops dispense by ordinary right in such a vow, since it is not an absolute vow of chastity; see the said treatise, n. 1128.

Whether Regulars can dispense with an impediment of affinity in order to seek the due debt? See the treatise, no. 1076, verse. Furthermore, 3 from the Vote number 258 verse. Nota II.

And thus they hold 4 c. 4o n. 34. when eto. item l. 2 cr 40 n. 127 cum dummodo perilum sit in mora, et non sit facilis aditus ad Papam: Cæterum ante Matrimonium Episcopus, excepto vo- to castitatis, et sponsalibus cum altero initis, potest universé in aliis impedimentis impedientibus dispen- sare, congruent praesumptum in omnibus Matrimonio superve- nientibus; Croix, et cum « Dixi in Responsione, potissimum: quia praeter 98 ». supra dicta, alia tria impedimenta numerantur. First is clandestinity: Although a marriage clandestinely contracted may be valid where it has not been received at Trent, nevertheless it is not permissible nevertheless under a mortal sin. Whereas, however, according to the omission of the blessing: because even though it is validly contracted without this, marriage is nevertheless illicitly entered into; as taught by c. Nostrates and c. Sponsus q. 5 d. 82. They also teach.

7 D. 82 n. q. q. c. q. n. q. n. 649. eum Soto Sa, d. 43 s. 10 n. 4 posse esse mortale: Dixi primum: nam secundæ nuptiae non benedicuntur, nisi primæ non fuissent bene- dictæ. If a confessor is chosen as a supplement, he can be properly confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond three years, insofar as it is odious and strict, should be understood regarding ordinary election, not extraordinary. If, however, one of the spouses is a widower, or else celebrates his first marriage again, or at least has been blessed according to ancient law, even though it was not fitting by right, still custom has in certain places established that such marriages

are to be blessed; thus it appears. Bon. l. c. And it is evident from the Agenda. It must be done by the own Parish Priest; and if anyone performs it without his license, the same remains suspended until it is absolved by the Parish Ordinariate from whom the blessing was to be received.

Thirdly, if a Marriage be contracted without the proper proclamations, without which although it may be valid, nevertheless it is not licit under mortal sin, as commonly held (namely in 3 d. 5 num. 7 et 5 n. 59 they think that omitting one of them, when it is morally certain that no impediment subsists, does not make it a mortal sin; but the contrary is taught by Per. d. 42 s. 1 n. 7 ex Con. et Pontio) unless an Bishop or his Vicar dispense, as is evident from 24 c. 1: If a Confessor be chosen for supplementation, he may well be confirmed through another three years after the time of supplement, because the prohibition against not choosing a Confessor beyond three years is odious and strict in regard to an ordinary election, not an extraordinary one; concerning which the following precepts are given: 1. That they may be made in » » the Church, during thesolemnities of the Masses. They nevertheless can take place in an oratory, or near a church, or some other place, with a great multitude converging. That they may be celebrated by the own parish priest, or another priest with his permission.

That they may be made in the own parish, and indeed on both sides, as the congregation declared. 3. That they may be on three feast days, not consecutive, but interrupted ones, that is, which are indeed days of holiday, but do not have any feast day, shall intervene in between. V. Pluralia dubia hoc tempore discutienda sunt.

Is there doubt whether the parish priest commits a mortal sin by assisting at a marriage, having omitted denunciations, without the dispensation of the bishop, when already, through diligence, he has been made certain that no impediment is present? Sotus denies it, according to Decretum 3, D. 5, n. 3, because (as they say), ceasing the adequate end of the law, the law ceases. But commonly and more truly affirm the Pontiff 1. 5 c. 30 n. 3. 8 n. 77 with many others. Reason, firstly because, by diligent care on the part of the parish priest, the end prescribed by Trent may be fulfilled; yet it transgresses the form prescribed by the Council if any confessor is chosen as a supplement. In that case, it can adequately be confirmed through another triennium after the term of supplementation, since the prohibition against not choosing a confessor beyond a triennium should be strictly and odiously understood regarding ordinary election but not extraordinary, because such prohibition in matters gravissima is not excused by mortal sin unless urgent necessity be present which will not endure delay; secondly because otherwise an adequate end would not be

achieved for the precept of Denunciationes, since the diligence of the parish priest does not sufficiently supply the effect of Denunciationes to hinder evils that could otherwise occur.

Doubtful. I. Regarding Impediments to Marriage. 13 a supervening impediment arises such that children are regarded as illegitimate, even if those entering into the marriage were unaware of the impediment, as is stated in c. fin. § Si quis de Clandest. despons. quando contra legitimi habituissent fuissent, si praecessissent denunciationes, ut in c. Ex tenore. Who the children are considered legitimate.

Furthermore in Trent. C. apud) Hoc autem, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. dicitur de Denunciationibus facien- dis antè Matrimonium; idem dicendum de obliga- tione eas faciendi post nuptias contractas antè con- summationem; ita rectè docent . 3 D. 11 n. 5; Pont. l. 10 c. 4 n. 2. 6. cum Palud. . ac 6. cum . (contra) Quia Conci- lium, juxtà textum mox supra allatum, æquè præci- pit, ut fiant Denunciationes antè Matrimonium, quàm postea antè ejus consummationem. And well do Pontius and . c. cum n. 614. cum Con.; Hence it seems to me opposed to say that if they were certain, there would be no impediment; because, having already violated the Tridentine precept by consummation, this does not weigh any more. An autem omittere unam Denunciationem sit mortalis?

Con and Leander affirm similarly; Bossuet probingly denies this, in the same place, and with Fleury. Diana, Veracr. et . But with . and others, they think that it is not mortal even if even two Denunciations are omitted; Yet this is less probable. P. Section 1.

Dubitatur. 2 si debent fieri Denunciationes in ecclesia et inter solemnia missae? Thus precisely it is prescribed according to Vere Zacchar in Croci 1. 6 p. 3 n. 474. But probably they say this: 3 D. 3 n. 9. tr. 16 n. 96. v. What, Sauch. 1. c. with Fil. etc. (contra Possev.) say, that it is possible for a great concourse to gather outside the Church and yet thereby the end of the Council be attained.

That seems probable enough, at least without mortal sin; and if some cause is present, without any culpability. Notat autem cum Marchino, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de

electione ordinaria, non extraordinaria. Si tempore pestis nequeant fieri Denunciationes in Ecclesia, et non possent induci Sponsi ad Matrimo- nium differendum, tunc Episcopus possit vel permit- tere, ut fiant Denunciationes per vocem praeconis, aut per Edicta in loco publico affixa. Et hoc quocumque die, vel eas remittere, et ad id praesumptum tenetur, si ur- geat necessitas, juxta dicenda n. 1005. If a confessor be chosen for a supplement, it can conveniently be confirmed by another triennium after the time of the supplement, since the prohibition against choosing a confessor beyond a triennium is to be strictly and odiously understood in reference to ordinary election, not extraordinary. For if a confessor be chosen for a supplement, it can conveniently be confirmed by another triennium after the time of the supplement, since the prohibition against choosing a confessor beyond a triennium is to be strictly and odiously understood in reference to ordinary election, not extraordinary. If the Bishop cannot be present, the Parish Priest can conveniently join the spouses in matrimony upon urgent cause, provided that he be informed that there does not subsist any impediment. Dubium 2: In qua parochia debent fieri denuntiationes?

It is certain that marriages ought to be contracted in the parish of each of the parties, as commonly they say with Bus. 3 D. 6 n. 4. 2 and others everywhere; because thus custom provides. They exclude c. 8 n. 72. with Dicast. unless the parishes are very nearby. But a doubt arises, where the denunciations ought to be made, if one of the sponsors delays for a while in some place? The Pontifical 1:5 c. 30 n. 5 thinks it sufficient if they are made in the place where he actually was.

But much more probable. Coen, Dub. 2 num, 60. Barbos, All. 32 Cap. III. Dub.

I. Regarding Impediments to Marriage. 25 n. 11. n. 556. The Sacred Congregation states that it must absolutely occur in the Parish from which he departed, since denunciations are made for the purpose of testing manifest impediments; and therefore it is necessary that they occur where the Spouses have resided more stably. And herein to be noted: if a Confessor is chosen as a supplement, it can be sufficiently confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is, on account of its odiousness, strict and binding in regard to ordinary election, not extraordinary. If one of the sponsors is external, the Parish Priest ought not to make denunciations unless he himself has verified the state of freedom through either faith or authentic certification before the Ordinary, as can be seen from the Instruction of the Sacred Congregation of the Sacred Office, which is observed at Genet. ad calcem in Tract de n. 1734.

And repeatedly has the Holy See declared denunciations to be necessarily made in the place of origin, as is referred to by Father Zacharia apud Croix 1. 6. p. 2 n. 476.

As regards wandering persons, the Twenty-fourth Session of Trent prescribes that parish priests should not attend their marriages, unless diligent inquiry has been made, and they have first obtained permission to assist from the Ordinary. Here rightly Dubit. 4 says: Concerning on which days denunciations can be made? It is prescribed that denunciations be made on three consecutive festive days. Practice brings it forth (as the question says, qu. 1.)

R. 2.) so that denunciations be made on three consecutive festive days, yet in such a manner that no other festive days intercede, but not immediately (namely, within three Paschal Festivals), as they themselves discern. All. 32. . 3. D. 6 n. 8. Pant. 1. 5. c. 39 n. 8 et alii, quia tempore tām brōni non satis obtinerētur finīs Concilī.

And they probably say that when three immediate feasts are involved, because in the Council it is stated for continuous days of festivity, and there it is not allowed if a Confessor is chosen as a supplement, then he can be well confirmed through another triennium after the time of the supplement, since the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious, strict, and to be taken seriously, concerns ordinary election, not extraordinary one. Thus, if a Confessor is chosen for supplementation, he can be well confirmed through another triennium after the time of the supplement, since the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious, strict, and to be taken seriously, concerns ordinary election, not extraordinary one. Thus are they not immediate. And thus they also say similarly, concerning both Diana and Diocletian, but not well, as we shall soon see), Lib. 16. VI. Treatise.

Sixth. On Marriage. It is permissible to make denunciations for three consecutive festive days, provided that no other feast days intervene, because thereby the intention of the Council has already been sufficiently fulfilled. But more accurately: 3. D. 5 n. 8. . 13: § 3 n. 4. et cum con et reg. censent, id: non esse quidem mortale (contra Henriq.), quia non videtur gravis transgressio; sed non excusari a veniali, quia iam transgremit praescriptum Concilii.

Whether denunciations can be made on fasting days, if for some reason there should be a great gathering in the Church? They deny Pont. 1. 5. c.

3o n. 7: and Fill n. 560. ex Decl. The Sacred College indeed affirms otherwise regarding Babylon. D. 6 n. 10. n. 10.

Barbos: Alleg. 32 n. 15: when . and Possiv. and with Ochag. S. C. lap. Ocha- vag. quia sic jam satis implitur finis Concilii.

Translation: Ocha- vag. because thus the end of the Council is now sufficiently fulfilled. It is probably probable; this can occur without grave culpability; and we have said in no. 991 regarding denunciations made outside the Church in a place of great concourse. 993 « 1. It is permissible to conclude a contract immediately after the last proclamation on the same day: but it is not permitted to delay for more than four months, within which time, if they do not conclude the contract, the denunciations are to be repeated, as declared in c. 1 of de 75: with Pontius and Leander. * In fact, the Roman Ritual permits only two months, within which time, if they do not conclude the contract, it commands that the denunciations be repeated unless something else appears evident to the Bishop. 994 » 2. After proclamations are made, one is held under mortal sin; whoever knows an impediment, there declare it; even if it were secret, for the prevention of grave evils, v.

Gr. incestum, sacrilegium, etc.; si tamen inde alteri periculum infamiae nasceretur, is ex chartate prius esset monendus, ut a Matrimonio desisteret. » . 3 d. 13. Page p. 2:1. 6 c. 5. Henri. . 3 tr. 3 p. 2 c. 4 n. 8 etc. commun. contra Pontium, d. 5 q. 6, qui negat teneri denuntiare; si sit occultum.

They hold the same regarding Mars. Perez d. 43 s. 6 n. 1 et seq., sed cum hac limitatione, si tantum audivit; et nesciat à quo, vel si pro foro interno sit dispensatum, vel si metuat magnum scandalum aut periculum, vel si sciat contrahentes esse in bona fide. It is certain that if a Confessor be chosen for supplementation, he may well be confirmed by another three years after the term of supplementation, because the prohibition against choosing a Confessor beyond three years is to be understood as odious and strict in the case of ordinary election but not extraordinary. If an impediment can be proven by witnesses, anyone who knows it must denounce it, whether the impediment be removing or hindering, whether it be occult or infamous. Thus if a Confessor be chosen for supplementation, he may well be confirmed by another three years after the term of supplementation, because the prohibition against choosing a Confessor beyond three years is to be understood as odious and strict in the case of ordinary election but not extraordinary. When there has arisen any harm through sin; so says the Pontifical, Book 5, chapter 34, note 3. chapter 8, note 95: since everyone is bound to make known another's

hidden sin. If a Confessor be chosen for supplementation, he may well be confirmed by another three years after the term of supplementation, because the prohibition against choosing a Confessor beyond three years is to be understood as odious and strict in the case of ordinary election but not extraordinary. Thus if a Primate lawfully issues such an order, just as does the Bishop when imposing (while Proclamations are being made) upon all conscious of any impediment that they reveal it. And those who know a presumed impediment under natural secrecy, and even with an oath not to divulge it, are bound to reveal it, say they . 3 D. 16 n. 6. with Paludian and Cardinalian authorities , and with others . ac .

Th. 2, 2 q. 33 ar. 8 ad t ubi docet, promissionem et juramentum non obligare, quando imminet damnum communitati vel tertiae personae, prout in nostro casu utrique damnum imminet. They however, the aforementioned authors, before the denunciation is made, warn that a fraternal correction should be preceded by multiple admonitions, unless it seems unlikely to bring about benefit; provided that there be no danger in delay. It is certain that if a Confessor be chosen for supplement, he can be duly confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, since it is odious and strict in the case of ordinary election, but not extraordinary, if an impediment be occult, and a dispensation therefor already obtained for the internal forum, he who knows this need not make public announcement: otherwise if there be public fame concerning the impediment, and the dispensation be occult, as is provided in 3 D. 14 n. 4 l. c. n. 2. It is certain third, if a Confessor be elected for supplementation, he may well be confirmed by another triennium after the term of supplementation, because the prohibition against electing a Confessor beyond three years is to be strictly and odiously interpreted in cases of ordinary election, not extraordinary. For, if a Confessor be elected for supplementation, he may well be confirmed by another triennium after the term of supplementation, because the prohibition against electing a Confessor beyond three years is to be strictly and odiously interpreted in cases of ordinary election, not extraordinary. If you have heard about an impediment but do not remember from whom, or if you received it from an unworthy person, you are not bound to denounce; VII. 18 Lib.

VI. Tract. Sixth. On Marriage. according to no. 164 and 166. with Cord. and Hurtad. 995: But there is doubt 1.

And if you yourself do not know the impediment, and cannot prove it, are you bound to declare that? The first opinion, which Pontius holds in lib. 1, quæst. 5, cap. 34, n. 6, 4 R. 221, and which Major and Gabriel maintain according to what is said there, argue thus: Either the spouses are in good

faith or in bad faith; if in good faith, they do not sin by contracting marriage; if in bad faith, you will gain nothing thereby, since the testimony of a single person is insufficient to hinder marriages. The second opinion, most common and more true, asserts that you are held responsible if it can conveniently be done; they hold this. 3 D 13 n. 2. with 1. 25 n. 625. with Fag. n. 193. with Fill. et Reg. and with Dic. 878. Dubium 1 et mox facile probabimus in Diximus, si commode potest; nam cum tuo gravi damno aut aliorum scandalo non teneris denunciare, cum neque lex Ecclesiastica nec preceptum correctionis obliget cum gravi incommodo aut scandalum aliorum. 996.

Dub. 2. Whether one witness is sufficient for an impediment, so that the Bishop prohibit the contracting of Marriage? There are four opinions. The first sentence holds that one witness suffices for an impediment arising from crime; but if it has not arisen from sin, but rather from carnal or spiritual relationship, then two credible witnesses of good faith are required, unless other canonical precepts fully establish proof.

The second sentiment entirely opposed, which La Croix holds in 1. 6 p. 3 Cap. III. Bub.. I. On Objections to Marriage. 19 n. 215 it is said, if a Confessor be chosen as supplement, he can be confirmed well through another three years after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. If no impediment arises from crime, one credible witness suffices to impede; but if it involves crime, there must be at least two witnesses, because then prejudice against a third party is involved, against whom judgment cannot properly be rendered without full proof. The third opinion, which c. 8 n. 106 holds, while the fourth opinion is commonly and truer, which 71 de Test. cum Con. hold.

Covarr. et Mas. ac Boss. tom. 1 c. 7 n. 133. cum Id probatur 1 ex c. Super eo de Matre asseverante (intellige alterius Sponsorum) ipsos esse consanguineos, non debent conjungi, quia praesumptio est non modica, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. se linea consanguinaltis attin- gant. Si vero matrimonium est firmatum, non debet sine pluri rum iuramento dissolvi. It is proven 2 from c. Praeterea. 12 de Spons. where, when certain men wished to

contract marriage, their consanguineous relatives asseverated that they had cohabited with a spouse; the Pope responded: In order that marriage itself might come about, unless the vow intervened, you would strictly prohibit it, lest something worse result from it. From that text rightly is inferred with Mascard. and ; and Boss. num. 142. with lesser proof the law is satisfied.

It must be spoken otherwise, as well they say with Panorm and Gutt; yet (as we said) in order to impede marriage, it is not required that the witness be altogether sound, but nevertheless it is required I that he himself not only denounce it but also lay down his testimony, being willing of his own accord to set it aside, as they say in 71 n. 10. with . Unless such a witness, by denouncing and proving the reputation of impediment, as they say AA., from c. Non in duo de ut deponat cum juramento; Ronç. loc. c., according to Host. Panorm. p, 32 n. 4. cum n. 147. cum Coninc. de ut deponat non ex auditu sed ex certa scientia ut R. n. cag. ibid. cum Abb. d. n. 4. cum n. 284. cum Navar. et Riccio. They nevertheless accept AA. ci ati; and unless the impediment is one of consanguinity or affinity, then it suffices for the witness to have heard it from two men of faithful repute, and especially from consanguineous sponsors, who are more fit to confirm or deny consanguinity, as with others.

IV. Finaliter, requiritur ut testis ille non sit persona vilis; dummodo factum non sit ita occultum, ut nequeat probari nisi per vilem personam: quia ubi defit facultas probandi, admittitur probatio etiam per se non sufficiens; ita cum Menoch. cum Gutt. et cum Panorm. et communis, contra Goffred. Doubt. 3. And if the betrothals have been ratified, suffice it Chapter III. Dub.

If the betrothal vows have been made, Chapter III suffices. Dub. Of Marital Impediments. 21: Is a witness depositor an impediment to impedient- during Marriage? They deny the Glossa in the chapter Otherwise concerning Sponsals.v. Unless; and Palude. 1. 1.

D. 71 n. 9, quia in praefato textu Praeterea supra allato expressa diciatur, non sufficere unum testem, si sponsalia sint jurata. But they more probably affirm that, according to C. cor. et veracr. cum gutt. et masch., and ratio, since if the fame of an impediment suffices for dissolving the betrothal, as is held in c. super eod. de consanguin., so much the more should a complete witness suffice who effectively certifies, rather than mere fame; this being certain among all, they testify 1. 2. D. 45 n. 27. To the contrary text in the cited passage itself.

Moreover, Panor. rightly responds in d. c. Super eo, and Boss. ll. cc., that if a penitentiary is chosen as a supplement, it can be sufficiently confirmed by another three-year period after the time of the supplement, because the prohibition against not choosing a confessor beyond a three-year period, being odious and strict in the case of ordinary election but not extraordinary, would hold true. In the case of the aforementioned text, he was not that entire and complete witness, for he alleged his own turpitude and did not bear testimony in proper form. This however is to be noted, if a Confessor be chosen for the supplement, it can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is odious and strict in regard to ordinary election, not extraordinary. For, if a Confessor be chosen for the supplement, it can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is odious and strict in regard to ordinary election, not extraordinary. The fame of an impediment might hinder Marriage, as expressly stated in c. Super eo de Consang. Unless the fame is weakened by the oath of consanguineous relations, as it is understood in D. 71 n. 18 and with the addition from C., if a Confessor be chosen for supplementarily, then another triennium may well confirm this after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, being odious and strict, should be understood in reference to ordinary election, not extraordinary. Therefore, if a Confessor is chosen for supplementarily, then another triennium may well confirm this after the time of supplementation, since the prohibition against not choosing a Confessor beyond three years, being odious and strict, should be understood in reference to ordinary election, not extraordinary; thus, where the text referred to was not an entire witness intact, on account both of alleging his own turpitude, and also because he did not testify in the form required. However, unless this infirmity is mitigated by the oath of consanguineous relations, as it is understood in D. 71 n. 18 and with the addition from C., the presumed opposing oath may stand against fame by the arbitral judgment of the judge. Nam probabilius accepit cum Gutt. (contra Palaum) in probatâ famâ oportere, ut testis denunciât cum juramento, cum ipse in judicio non credâtur testi non jurâto, ubi agitur de praedîcutione tertii.

Moreover, it is to be noted, if a Confessor be chosen for a supplement, he can conveniently be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, being odious and strict, should be understood in reference to ordinary election, not supplementary. However, private knowledge of reputation does not suffice for a Judge so that he may impede marriage

but only so that he may inquire into the impediment; thus commonly c. Gutt. et c. Innoc. . But whether a Judge can impede Marriage if he privately knows an impediment to be notorious? He denies, according to Guttilanus, that such notoriety is required to be proven in judgment; otherwise, it would be a private knowledge from which the judge ought not to render a decision. This opinion might seem probable to someone, if a Confessor be chosen as a supplement, it can be sufficiently confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is so odious and strict that it should be understood in the context of an ordinary election, not an extraordinary one; for which reason, if a Confessor be chosen as a supplement, it can be sufficiently confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is so odious and strict that it should be understood in the context of an ordinary election, not an extraordinary one. The judge should rule according to the allegations and evidence established, in accordance with the aforementioned law 3, note 208.

But it seems more probable to me that a sentence is affirmed which they hold with the Gloss in l. 1 C. Qui adv. quos, etc., and also with "nullum," if some Confessor be chosen for supplement, he can well be confirmed by another triennium after the time of supplement, because the prohibition of not choosing a Confessor beyond three years is to be strictly received concerning an ordinary election, not an extraordinary one; that is to say, it would be intrinsically evil. "3." The very contrahent himself, lawfully interrogated about a hidden impediment, is bound to admit that or to abstain from marriage, unless he has received a dispensation for conscience' sake from the tribunal: for then admission is not required, unless the judge have otherwise sufficient proof. Chapter . . Classis Number 10.

V. Bon. l. c. Perez » d. 43 s. 7 n. 2. * (Ità communiter . 3 D. '14 » n. 2. Pose. L. 5 c. 33 n. 1 et cum » etc. Sed autem sponsi teneantur fateri copulam incestuosam si in dispensatione ad sit clausula: Nisi copula fuerit habit? See statement number 1135.) * 1001 » 4.

The parochial priest, cognizant of an impediment, is bound to prohibit Matrimony and to refer it to the Bishop, or his Official; nor can he assist [therein]. 3 d. 15. March. Because of d. 43 s. 7 n. 9. etc. * (unless, however, he knew solely from confession; for then he could in no way deny Marriage whether publicly or privately petitioning, nor admonish him according to the duty outside of confession: although he should and would set it forth in confession: And then, if indeed they could not desist

from Marriage without much scandal, nor would wish to, advise that they contract with common consent under the condition that, if the Pope dispenses, they live together with so great a hope of cohabiting as brothers (not however concerning this matter) until the dispensation arrives, and again contrariwise in Cap. II. Doubt.

I. On Objections to Marriage. 35 « hant. Therefore, according to Baja and Pontifical 1, 5, c. 35 Perez ibid., who adds, if they completely refuse and continue to petition, the parish priest should assist. » and refer the matter to the Ordinary, that he may become acquainted with it.

A doubt arises, if the parish priest alone knows the impediment outside of Confession, whether he can and is bound to prevent and hinder the nuptials? The Pontiff denies this for the same reason as stated above in lib. 3, D. 15, n. 11, p. 2 § 7, n. 3 and n. 628 (with reference to n. 905), that even if he alone knows the impediment, by fortiori argument the Parish Priest is more especially bound by his office to consult for the salvation of his flock. It does not hinder if a Confessor is chosen as a supplement, and it can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, is understood to apply to ordinary rather than extraordinary election; for if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, is understood to apply to ordinary rather than extraordinary election. Thus, if a Confessor is chosen as a supplement, it does not detract from granting the Sacrament openly petitioned by one guilty in secret; for it is responded according to the cited AA., when a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, is understood to apply to ordinary rather than extraordinary election; thus this procedure proceeds when impediment only yields illicit reception of the Sacrament; but otherwise, if the impediment (beyond the reception) provides occasion for other damna and culpa. Doubt. 2 whether the Ordinary, who alone is conscious of the impediment, is bound to prevent Matrimony? . 3 D. 15 n. 11.

Pont. 1. 5 c. 35 n. 5 et Sed probabilius affirmant cum cum c. 8 n. 104. cum Avers. quando agitur de peccato impediendo; tum quia eo casu saltem potest ipse Ordinarius deferre impedimentum ad Judicem Superiorem, et praesumptum ad suum Vicarium, ut ille judicium proferat; Et ad hoc ipse Episcopus tenetur, ut impediat peccata, quae ex Matrimonio invalido

orirentur. «5. A bishop or his vicar may not dispense, but a rural dean may, either that non-annonce be made; or that it be suddenly announced after contract and before consummation in the presence of the parish priest and witnesses; or that a presumptively invalid marriage be completely omitted if there be just cause, such as fear lest otherwise the marriage might be maliciously impeded, shame for those contracting it, sin, inconstancy, disparity of status, scandalmongery, infamy, incontinence, etc. Bonifacius loco citato c. 6. Even though, when by dispensation a marriage contract is concluded before the subsequent proclamations are to be made, the spouse is not bound, nor ought he render any debt to another, until it is easy; yet when impediments certain are lacking so that no impediment exists, one does not commit mortal sin by consummating. Sot. . contra 7. Even though the Parochial priest cannot dispense, he can nonetheless declare in a case of necessity through epikiam that this precept is not obligate here and now. For example, if a man who is about to die wishes to take his concubine as wife for the legitimation of a child.

Bon. l. c. ex Sylv. Quaest. ad contra 7. De dispensatione denunciationum observa quae habentur in capitulo secundo decimaverbi uno ubi dicitur: Si aliquis confessarius eligatur pro supplemento bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium prout odiosa stricta ac- cipienda est de electione ordinaria non extraordinaria. Quod si aliquis probabilis suspicio fuerit, ut matrimo- nium malitiosè impediri posset si tot praecesserint denunciationes tunc vel una tantùm fiat denunciatio vel saltem parochus et duobus vel tribus testibus præsentibus celebretur matrimonium. Then before its consummation, denunciations be made in the Church, so that if any impediments exist they may more easily be discovered; unless the Ordinary himself shall have judged it fitting that the aforementioned denunciations be remitted: if a Confessor be chosen for the supplement, he can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years is to be strictly and odiously received concerning ordinary election, not extraordinary. That which concerns the prudence and judgment of the Sacred Synod is left. Although, however, from the Council it is granted to the Bishop the faculty of dispensing in denunciations for only this reason, that a marriage may not unjustly be impeded by so many denunciations. Dub. I.

On Hindrances to Marriage. It is impeded, but commonly the DDs say that if a Confessor is chosen for supplementation, it can be adequately confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three

years, inasmuch as it is odious, strict, and to be received as such for ordinary election but not extraordinary, is presumed on other just causes; thus, the Bishop may possibly presume and when bound by Denunciations dispense; although the Council had only assigned one, it nonetheless proposed it exemplarily rather than strictly; moreover, this matter has been left immediately thereafter to the prudent judgment of the Ordinary. So 3 D. 7 n. 1. Pont. I. 5 c. 32 n 1. Caballass.

I. 3 c. 20 n. 2. 16 num. 96 dico, escob. I. 25 n. 587. t. 1 c. 7 n. 34 cum aliis (contra Cefal. et Borell.) et ita pluries declaravit S. C. Concilii, ut referunt l. c. qui præsertim ex Bellarm. in d. c. 1., Denunciationes possunt omitti non solum ex causis hic expressis, sed ex aliis bene visis Episcopo, qui has Denunciationes potest remittere eidem post Matrimonium contractum et ante consummationem. Item in alia Declaratione: Episcopus potest has omnes Denunciationes remittere, et idem si non sit rationabilis suspicio, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinary. possit Matrimonium impe- diri, quia relinquitur sua prudentia. They teach commonly DD., if a Confessor be chosen for supplement, he may well be confirmed by another three years after the time of supplement, because the prohibition against choosing a Confessor beyond three years is to be strictly and odiously received in regard to ordinary election, not extraordinary; which, if a Confessor be chosen for supplement, may well be confirmed by another three years after the time of supplement, because the prohibition against choosing a Confessor beyond three years, as odious and strict, applies to ordinary election, not extraordinary. If it is necessary to avoid grave damnum common or private, spiritual or temporal, and indeed if it is expedient for a notable spiritual or temporal good of the Community, or even of another private individual, the Bishop not only may but is presumptuously bound to dispense; thus 2 D. 10 n. 5 c. R. 1 with Gutt., cum et si adsit probabilis timor ne Matrimonium malitiose impediatur juxta sensum Tridentini.

II. If marriage is necessary to avoid damage, whether it be infamy for the contracting parties or their offspring, namely if those who were regarded as conjuges were concubinarii, or if defloweration had preceded, and there is fear that the man will change his will; also, if one of the sponsors is in the article of death and legitimate progeny must be procured; n. 6. . c. cum . If there is a danger to the soul, body, or fortune, c. IV. If the Bridegroom shall be forthwith far away on a journey, and necessity urge the contracting of Matrimony for one of the reasons above described; V.

If Parents, or Tutor, shall pretend that a virgin should marry an unworthy person; with Cajet. VI. Addit: c. si immineat tempus Adventus, vel Quadragesimae, et alias urgeat periculum incontinentiae, vel gravis praejudicii. The reason for this seems to be, because it is not permissible to consummate Marriage before the Nuptial Blessing; But (according to our judgment, as stated in article 984).

Dub. 2), cum nulla sit culpa ante Benedictionem consummare, melius est dicendum posse propter hanc causam Episcopum dispensare, sed non temeri sicut illi dicunt. Reg. 87. cum teneri Episcopum: dispensare ob quamcumque aliam causam, qua pruden-tii judicio urgens videatur. The causes, however, on account of which the Bishop is not bound but can dispense, are [as follows]. If marriages are to be contracted between the Nobles, because the unions of these latter do not take place except with previous great deliberation.

II Si sponsi sint valde senes, aut valde disparati in conditione, aetate, divitiis, aut qualitate. III. If it is certain morally that there be no impediment; thus 3 D. 9 ex n. 3. 32 n. 41. Boss. ex num. 79.

Pontif. 1. 5 c. 32 n. 6. Cabass. 1. 3 c. 20 n. 3. Filio transiit tertium decimum caput quintum omnes dictas causas exprimabit. Furthermore, he notes here.

II. cc. cum aliis, si quis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. The bishop can dispense presumptively in denunciations with another sponsor who is not subject to him, for it is fitting that he be able to conjure together with his subject and presumptuously dispense. And this is testified to be a custom: if however it be noted that, when a Confessor is elected for supplementation, he can well be confirmed through another triennium after the time of supplementation, because the prohibition against not electing a Confessor beyond a triennium, as odious and strict, should be understood in terms of ordinary election, not extraordinary one.,that is, if a Confessor be elected for supplementation, he can well be confirmed through another triennium after the time of supplementation, because the prohibition against not electing a Confessor beyond a triennium, as odious and strict, should be understood in terms of ordinary election, not extraordinary one. Chapter III.

Dub. I. On Marital Impediments. 27- The bishop, when dispensing in

denunciations, is always bound to diligently inquire about other impediments, unless it be commonly known that they do not exist. Dubium: I. an Vicarius Generalis Episcopi possit in denunciationibus de anno MDVII dispensare?

They deny the Pontiff I. 5 c. 31 n. 5. 4. R. 263. et Gomez, Menoc. et n. 570. ex Concilio Toletano et concil. Middleborough and Declaration. S. C. ad annum 1591. ap Henr.

But more commonly and probably they affirm it. 3. Doctor 7, note 10. Wigan tr. 16 num. 96 v. I say, n. 81. . 3.

R. 1 (who affirms with Gutt. and Sperelli, according to the ancient custom Vicars have always dispensed in this matter) while Boss. and Es- cob., however, doubt about the authenticity of the opposite Declaration. The Sacred Congregation doubts whether a Parish Priest can sometimes dispense from denunciations? Vega, Marchant... affirmant 603. et alii ap. Truly, however, and generally they deny that a parish priest can dispense in denunciations.

Division 7, number 17. Pope [decree] L. 5 C. 1 N. 2 et cum . Reason, because truly the parish priest has no jurisdiction in external forum. Very reasonably and yet they say decidedly: 3 D. 10 a n. 15.

Croix l. 3 p. 6 n. 494. . 386. n. 82 et q. 3. R. 2 cum Gob. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. Esto parochus non possit dispensare; tamen in casibus, in quibus episcopus dispensare tenetur et adiri non potest, periculumque est in mora, poterit declarare, praeceptum proclamationum non obligare; modò ceruus sit, nullum adesse impedimentum. But in such cases they think 5 c. 32 n. 8. with Hurt. 8 28 Lib. VI.

Treatise VI. On Marriage. num. 92. with 608 and etc., it is possible for the spouses, if certain that they are not impeded, to enter into matrimony without denunciations. But let it be said unless perhaps there is some obstruction due to delay, and access to the Superior may not be had. Here it should be noted finally, if a Confessor is chosen as a supplement, he can be sufficiently confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, being odious and strict in regard to ordinary elections, but not

extraordinary ones, is so. If someone presumptuously assists at a Marriage without denunciations; from chapter Cum inhibitio, § Sanc, de ## DUBIUM II. ### What are the impediments that render Marriage void? 1003 The fifteen impediments rendering Marriage void are: 1.

Error, II. Condition, III. Promise, IV. Recognition, V.

Crime, VI. Difference in worship, VII. Will, VIII. Order, ninth.

Tie, X. Majesty, XI. Age, XII. Adjacent, XIII.

If Claudius, XIV., and Impos, XV. A woman has been seized, nor has she been restored safe and sound. 1009 I. Error personæ. Concerning error regarding person. Concerning error regarding the qualities of person. Whether marriage is irrite by an error regarding quality if it gives cause for contract? They give three rules to be known when error as regards quality results in substance. First, if someone actually contracts under condition of quality. Second, if quality is proper to some person. Third, if consent is given directly to quality. Condition, namely servile.

Many things are worthy of note up to n. 1023. 1024 III. Solemn vow. 1025 Doubt. 1. Does this annul Marriage by divine law, or by ecclesiastical law? Chap. III.

dubitatio Two. On Marriage Impediments. 202 1026 Dub. 2. Can the Pope dispense in solemn matters?

Consanguinity. And 1. concerning Legal Relationship. 1028 2. On Spiritual Relationship (Of which see what has been said) 1029 3. On Kinship in the Flesh, and on the rules for distinguishing degrees. Tree of Consanguinity. 1031 V.

Crime. First Murder. According to Adulterium. 1032 Robbery. 1033 The rule is assigned: I. Both sponsors, namely, if there be solely Homicide. Requirement whether a Confessor be chosen for supplementation, can indeed be well confirmed by another three years after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years is, as odious, strict and to be accepted as it is in ordinary election, not extraordinary; which, if a Confessor be chosen for supplementation, can indeed be well confirmed by another three years after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years is, as odious, strict and to be accepted as it is in ordinary election, not extraordinary. intentio

Matrimonii aliter sit manifestata.

One [single] impedimentant, namely if there be Murder together with Adultery. 1036 Required for this impediment to incur. 1037 III. Neither patronating condition applying, namely if adultery should occur without homicide. Required for this impediment. 1038 Dub. 1. Is adultery sufficient for consent? 1039 Dub. 2.

Does a fictitious promise induce an impediment? 1040 Dub. 3. Does a conditional promise induce an impediment? 1041 Dub. 4. Is it required for the purpose of incurring an impediment that the promise be mutual? It is supposed that an impediment arises from adultery with a conjugal attack upon marriage being made while the spouse is alive. He sins who, while the spouse is alive, promises another marriage. IV. Difference in worship.

What concerning Marriage with Heretics? 1045 VII. Wish, or great fear unjustly imposed to extort marriage. In what way does wish differ from fear? And what is fear from within, and what is fear from without? What are required for grave fear? What evils constitute grave fear? What are required so that fear irritates Marriage? Dub. 1. What if a judge unjustly condemns someone and promises liberation, provided he marries his daughter? 1051 Dub. 2.

What if the Accused is justly condemned? 1052 Dub. 3. What if someone were innocent, but justly condemned according to the allegations? 1053 Dub. 4. What if a physician refuses to cure unless you bring his daughter? 1054 Dub. 5. Does the fear irritate Marriage according to the law of Nature, or according to the ecclesiastical law? 30 Lib. VI.

Treatise. VI. On Marriage. 1055 Dub. 6. Is a light fear irritated?

Is a reverential fear? Can he who strikes fear be himself terrified? 1058 VIII. Order. Whether an ecclesiastical order can dissolve marriage by divine law? IX. Bond. 1061 X.

Honestas. This impediment does not arise from sponsalia uncertaine, nor from conditionatis. 1062 Q. 1. From a null marriage? 1063 Q. 2. Does it arise from properly dissolved sponsalics? 1064 Q. 3 Does it arise from a clandestine marriage? 1065 XI.

Atlas. See more regarding marriage of immature persons. 1066 Whether marriage is contracted at all, if a boy, upon reaching maturity in age, cannot cohabit? What about the Marriage of the elderly? 1067 XII. Affinis.

1069 Concerning the impediment of affinity before the contracting of marriage. 1070 Concerning the impediment of not seeking [marriage]. 1071 Qu.

I. Does a wife who is known through fear from a consanguineous husband lose her right to petition? 1072 Qu. 2. Does an ignorance excuse from this impediment in contracting? And first, if ignorance be of law. Secondly, if ignorance be of fact. Thirdly, if ignorance be almost.

III. Is it necessary for a marriage to be contracted with affinity that the bond be consummated on both sides? 1076 Qu. IV. Who can grant dispensation in this matter? Penalty for those contracting a marriage with affinity impediment. XIII.

Clandestinity. If anywhere it should be impossible to have a Parochus? Whether Strangers can validly contract marriage without a Parochus? By what name is the Parochus understood? Whether the Parochus is excommunicated or irregular, etc. Doubt 1. Would an assisting one who is excommunicated sin gravely? 1084 D. 2. May such a Parish Priest give license to another? What kind of witnesses shall suffice? What if there be two Parish Priests? Or if the Spouses have two domiciles? 1087 Whether the Parish Priest of one of the Spouses suffices? 1088 Is the presumed permission from the present and absent [Priest] sufficient? 1089 Concerning vagabonds, soldiers. 1090 Concerning pilgrims, those in prison, the sick, girls detained in houses of correction, etc. 1092 Whether the Spouses may validly contract matrimony before a Parish Priest against his will? 1093 Whether licitly?

Chapter III. Doubt. II. On Obstacles to Marriage. 3a 1094 How does a parish priest sin by not inquiring about consent, or by not saying Ego vos conjungo etc.? 1095 XIV.

Impotence. See more at Busemb. What kind of impotence dissolves Marriage? 1096 I. On the potency impaired by a curse.

II. from frigidity. III. from disproportion of bodies? 1097 Dub. I. Whether marriage may hold good, if a woman can fall into danger from a serious illness but not from death?

II. Whether a Marriage may stand if a woman can fall into great danger from illness but not from death? 1098 Dub. If the Matrimony is dissolved on account of the wife's great bodily danger, should one fear that after a union with a second husband she might become an apt recompense to

return to the first? 1099 Dub. III. Whether a strait woman be bound to suffer an incision?

IV. Is a cloistered virgin bound to endure an incision, if etc.? What is to be done if impotence is certain? If it is doubtful, and doubt precedes Marriage? If doubt supervenes? In doubt whether Marriage has been consummated, or impotence preceded it? How to judge Marriages in heretical parts. Rape. 1107 To incur the impediment of rape, it is required that a woman be violently carried from one place to another; for the cause of marriage; and against her will. 1108 What if a man rapeth her whom he had previously contracted betrothal with? 1109 1. These things are comprehended in the following verses: I. Error, II.

Condition, III. Vote; IV. Affinity, V. Crime, VI.

Difference in cuisine, VII. Will, VIII. Order, IX. Tie, X.

Dignity, XI. Age, XII. Adjacent. XIII. if Claudustinus, XIV. and Impos, XV.

A woman has been ravished, and is not secure in any part; This association forbids to be a partner, these acts withdraw from marriage. It is said I. Error, scilicet, personae qui dirimit secundum ius naturale, v.g., si Caius volens ducere Annam, offerat se Maria putans esse Annam; contrahit quaecumque, quia error aufert libertatem et consensum requirendus jure naturale ad contractum. 3a Lib. VI.

Treatise. VI. On Marriage. I have said that a mistake regarding the quality or condition of a person (including slavery) does not prejudice marriage, as for example if it were thought that someone is noble, a virgin, rich, etc., whom anyone wishes to take for wife and she is not such kind, because this error does not detract from consent in the person and in the matter of the contract.

But otherwise it would be different if he absolutely refused to consent to the person except under a certain condition, or if the very condition, according to the intention of the contracting party, were to pass into the condition of person, as if someone wished to marry the eldest daughter of the King and no other, yet another were substituted, in which case the contract would not stand. Good Question 3, Part 2, Article 7, Difficulty 18. Conc. III, cap. 31. Fill. etc. » Certum est apud omnes, quod error circa per sonam de jura naturae dirimat Matrimonium,quia contra gentium personæ sunt substantialis Matrimoni objectum; ergò si variatur persona, erratur circa substantiam contractiùs, dum qui intendit contrahere cum una, non

consentit contrahere cum alia; ita D.

The. Suppl. qu. 5 ar. 1. 7. D. 18 n. 11. Pontif. I, c. XX, n. 3 et 7, 10, n. 4 cum Soto, Bonac. Ethocetiàmsier - rorsitvincibilisetcrassissimus, ut Sanc. n. 7, 155, q. 2 et 5 cum Con.

Avances. Item, etiam si errata concomitans sit, seu non dant causam contractui, nimirum si cognito errore adhuc frisset initium Matrimonii, Sanc. n. 6. cit. Bonaventura, qu. 3, p. 2, n. 4, et 6, cum Con. Avers. etc. Certum est quod error circa qualitas personae concomitantis, seu non dando causam contractui, nimirum si cognitus errorem adhuc frisset initium Matrimonii; Sanct. n. 6. cit. Cum tamen quis contraeat etc. cum corrupta, aut pauper, aut ignobiliquam putabat virginem, aut divitem, aut nobilém, non principaliter hoc qualitatebus; sed alunde valent pro culdubio Matrimonium, qui atunc jam adest voluntarium ad illud requisitum; . 2 1. Pontificale 1. 4 - e. 2. 1 n. 5.

Bon. p. 2 n. 6 et. 9 cum Con. . et aliis communiter. But a great question arises, whether the Marriage is offended by an error concerning the quality in the cause of the contract; namely, if Marriage would not have been a contract, known error notwithstanding? The first opinion affirms, and this Pontius I holds in chapter 21, section 4, number 7, citing Aragon, and saying: presumptive cause. Reason, because while the Bridegroom contracts, he holds the Bride to have some quality of nobility; or of good birth, etc.; then consent is given virtually conditioned, even if the Bride has not that quality; hence, therefore, by reason of a deficient quality, the consent lacks.

Second: but the common and truer opinion denies this, and those defend it, who call it the most true when Abb. c. 2 n. 2. Habert t. 7 p. 797. cum Valent. Escobar, lib. 26 n. 9. cum et cum Gonet, Candido, Th. The reason is, firstly, because at that time there is already simply voluntariness regarding the substance of Matrimony, although it lacks voluntariness inasmuch as regards accidents, which are qualities of persons; secondly, because otherwise numerous conjugal matters would become doubtful and exposed to disputes.

It does not hinder to say with Poncius that if a Confessor is chosen as supplement, he can properly be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary; for which reason, if a Confessor is chosen as supplement, he can properly be

confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. For consensus is an indivisible act, and if a vestment of such quality lacks that quality, the consensus fails; otherwise, it would be said that if a Confessor is chosen as supplement, he can properly be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. This act contracts two: one eliciting consent in the substance of the object or person, the other in quality, if a Confessor is chosen as supplement, he can properly be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. Therefore, Poncius says that an act of will cannot be divided. But rightly does the will respond in that one and the same act equivalently regarding the substance, regarding the quality, as if it elicited two acts; and therefore, lacking consent primarily regarding the quality, remains consent primarily regarding the substance. Tamen et rectè docent DD., si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria., quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. error circa qualitatem personae irritaret Matrimonium, si qualitas redundaret in substantiam. But a great difficulty arises in discerning when an error regarding quality is such that it affects substance, whether in regard to person or otherwise?

Three attend rules. First rule: Then quality redundates in substance; when someone actually intends to contract under the condition of such a quality; then indeed it is verified that if a Confessor be chosen for supplementation, he can be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium, as being odious and strict, should be received in reference to ordinary election, not extraordinary; when the condition is lacking entirely, consensus will completely fail: This is certain with . 7 D. 18 n. 21. It is the same with the same AA. (See the Second Rule: when a quality is not common to others, but proper and individual to a determined person, for instance, if someone were to believe he should contract himself to the primogenita of the King of Spain; then the quality

would be redundant in the person; hence, erring in quality, one errs in the person, and consequently there is no Marriage even if that person did not have an express intention of not contracting; similarly, the Third Case: p. 287 n. 7. Non autem acquiesco doctrinae n. 10 qui dicunt quidem esse, cum quis putaret se contrahere cum filia Regis Hispaniae, quia cum qualitas filiae sit communis aliis filiabus Regis Hispaniae, qualitas illa non est individualis, unde non redundat in personam; et tanto minus approbo id, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. dicunt: cum Aversa, nempe si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. qualitas praesumptum transeat in personam, si sit individui vagi, puta si quis crederet se contrahere cum filia Regis, cujuscumque Regis filia sit, et citat q. 51 a. i ad 5 sed non bene, nam ibi S. Doctor non loquitur de eo, qui in contrahendo credit illam esse filiam Regis; sed de eo, qui antea directe et principaliter intendit qualitatem personae, nempe contrahendi cum filia Regis; tunc enim dict Angelicus, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud

When observe, if a Confessor be chosen for supplement, well may it be confirmed through another triennium after time supplement, because prohibition of choosing a Confessor beyond triennium is strictly and odiously understood of ordinary election, not extraordinary; that is to say, if a Confessor be chosen for supplement, well may it be confirmed through another triennium after time supplement, because prohibition of choosing a Confessor beyond triennium is strictly and odiously understood of ordinary election, not extraordinary. here he clearly speaks. Therefore, the third rule, which D. Thom. and Sotus also teach, as stated in Tab. n. 25, concerning Matrimony, lib. 8, cap. 2, § 2, note 1: if a Confessor be chosen for supplementation, it may well be confirmed by another three years after the term of supplementation, because the prohibition against choosing a Confessor beyond three years is to be strictly and odiously construed in relation to an ordinary election, not extraordinary. For if consent be given

directly and principally to the quality, and less so to the person, then error in quality will reverberate into substance; but otherwise. Consent is principally given to the person, and secondarily to the quality: for example, if someone were to say, I wish to marry Titia whom I consider noble, then the error does not reverberate into substance, and thus it does not invalidate Matrimony. Agreeable if one says, "I will marry a noblewoman of golden vow, whom I consider to be Titia"; then the error redundates in substance, because there is direct and principal intention towards quality, and less principally towards person. Hence concerning the case related to canon 7, section 18, note 35, namely, when a certain adolescent requested in marriage the daughter of someone's secondogenitum who was exceedingly beautiful, the father denied her and offered instead his primogenita unknown to the youth, whom he had previously asked to be shown to one of his friends; this father showed the primogenita to his friend, who was deformed, and when the youth heard that she was presumed beautiful, he tried [to marry her], but having then seen the deformity of that one, contended that the marriage should be null: He felt that the marriage had been valid according to canon law c. because the error related to quality, not person; But it is more probable, contradicting 1 c. n. 2 Ratio, since in that case beauty was (as I have already stated above) principally intended, rather than the person, because thus the youth requested that she be shown to his friend; also because his true will was not to accept the one offered by the father, but the one shown to his friend.

«H. dicitur.» Conditionem praebet, scilicet si servus ignarus contrahebat matrimonium cum libera, vel servus cum servo; nullum est matrimonium. This is indeed according to a more common opinion, by legal right solely ecclesiastical* (And thus do D. Thomas suppl. q. 52 a. 1 ad 3 and 25 with the common hold*) , based nonetheless on natural law, which is very conformable to it. The reason is, because such a contract opposes 1.

Good of the Sacrament, inasmuch as a slave cannot dwell conjointly with his lord against his will. Good faith in conjugal matters, since it cannot discharge a debt at the will of another. Good of offspring, when the servant acquires all things for the master. However, it is to be noted that properly speaking, they are not slaves who are originally coloni or commonly called Seibergene.

V. . 5 tr. 10 » p. 4 c. 2. Neither would such a contrahens seriously sin, although he might be regarded as irregular, according to c. Si quis, Distinction 34. V. Si autem quis ignoranter contrahat cum ancilla, nullum est Matrimonium, sive contrahens sit liber, sive servus, ut sentit Bus.

But this is to be denied as probable; for if a servant contracts with a serving-maid, the marriage is valid, as absolutely teaches S. Th. suppl. q. 52 a. 1 ad 1. 7 D. 19 n. 23 et 23 cum Bon, Cap. III. Dub. II. On Obstacles to Marriage. Chapter 37, section 10, note 27: because there seems to be a voluntary deception in gross error.

But they more plausibly assert no. 28 with Dubit. 2, that at that time each party may be able to rescind from Matrimony by their own authority? He can be deceived closely, except where there is scandal; and so likewise preserved. But whether, if made free, he who is conscious of his slavery would wish to legitimize the Marriage, would he be bound to consent? They are held to have a probable opinion with the Doubt 3.

Who bears the burden of proof regarding ignorance of her servitude? Henryq. censet libero. But more commonly and probably St. n. 8: 32 cum Dubit. 4. Whether a marriage with a servant unknown to 1022 is valid, if through such a marriage she becomes free?

Three are the cases, in which liberty is acquired through marriage. I. If the Lord confers a dowry instrument upon the servant contracting marriage, as stated in I. 1. C. De Quibus rebus Dominus accipit ancillam in conjugem; ut dicunt Quando Dominus servam matrimonio tradit alibi, illius servitutem ignoranti, ut ex Auth.

To these, C. de D. 4 p. 5 § i n. 4 cum Covar. They affirm truly more commonly and with greater probability. 7 D. 19 n. 14 n. 38 with others. And the same holds true: c. n. 4 (contrary to c. Pont.) if the Lord has promised that He will send her away shortly, because then she is already morally considered free. Marriage with liberty, i.e., a servant who has become free, is certainly valid; provided that freedom has not only been promised to her, but also presumed already given as a gift, as they contend, etc. contrary to 104 « Dicitur III. Votum, scilicet solemne Castitatis, per susceptionem Ordinis sacri, vel per solemnem professionem in religione approbata sponte emissum.

"I say spontaneously; for a great fear irritates the profession, as seen above in 1.3 n. 197." » I speak again. Solemnly, because I will that simplicity alone be hindered, not impeded (yet nevertheless receive the vows of the Society's simplicity). V. . c. c. 3. » 105 Doubt... Whether a solemn vow of Religion will exclude Marriage from Divine Law or from Ecclesiastical Law?

The first opinion is according to the law of the Church, and holds so: 7 D.

26 n. 4 with etc. For a solemn vow does not irritate marriage by reason of the vow, but by reason of its solemnity; now solemnity is from ecclesiastical law, as stated in canon 1 of Vows in 6, therefore marriage is restricted by the ecclesiastical law alone. The second opinion, however, is more plausible, holding that it is annulled de jure Divino, and they maintain this. 38 q. 1 art. 3 q. 3, also D. Bon. Major, Val. n. 4. Reason, because in a simple vow only the body is promised to God, but in solemn vows, through legitimate acceptance by superiors, the body is additionally delivered to God. 106 Dubit. 2 Whether, in any case, the Pope can dispense from a solemn vow of chastity made in Profession?

See what is said in 1. 3 num. 256 v. It is questioned where we have maintained the affirmative judgment with this very thing. . c. a. 4 q. 1 ad 3 et pluribus, adde 3. Decre-tali. Qui asserit, eam esse communem Theologi-orum. But rather, does the Order of Priesthood abrogate Marriage according to Divine Law?

See what is said, no. 1059. How however is the vow, if someone be chosen as Confessor for supplementation, sufficiently confirmed by another three years after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, ought to be understood with regard to ordinary election, not supplementary; which, if someone be chosen as Confessor for supplementation, can be sufficiently confirmed by another three years after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, ought to be understood with regard to ordinary election, not supplementary? It is removed in the reception of sacred Orders, thereby terminating Matrimonium? See what has been said above. VI. ex n. 808.

Chapter III. Doubt. II: Concerning the Impediment of Marriage. 3g "It is said IV." Consanguinity; which is threefold.

The first is called Legal: which is a propinquity of persons arising from perfect adoption (when such an extraneous person is assumed as son or grandson, so that he passes into the power of the adopter and succeeds him, or as a necessary heir by testament in one-fourth part, or as a son by intestate succession for the whole); for this cuts off marriage up to the fourth degree between the adopter and the adopted, and their descendants; c. De Adoptionibus., 3 q. 3 c. Diligere 3o q. 3. V, Vide tamen Laym: c. 7 et Notandum igitur 1, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non

extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Adoptionem perfectam illam sit illa qua Principis Rescripto persona sui juris transit in potestatem et familiam adoptantis congruunt praesumptum filii ejus. It is imperfect when it is done without the Rescript of the supreme Prince, but with the authority of a lower magistrate, and when the adopted person does not pass into the power of the adopter's son. It is doubted whether a legal relationship arises from the presumed adoption due to an imperfect adoption.

They affirm, etc., according to St. Thomas in his Supplement, Question 57, Article 2; Decretals, Book 63, Number 9. They say more probingly that it arises only from perfect adoption. Note: 2 si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. hoc impedimentum sit perpetuum inter adoptatum et adoptantem; et uxorem illius, vel è converso; verum inter adoptatum et filios adoptantis est tantum ad tempus, scilicet usquedum filii sunt sub potestate illius; ita . This doubt, however, arises as to whom this legal cognation shall be extended? etc. according to 43 [it is said], to be extended even to the fourth degree in a straight line: But when Sanch and Avers. Cornejo, et Hurt. hold entirely that it must be said: no, extended even to the fourth degree in a straight line: first degree: because here it is assigned solely by positive law.

It is extended nevertheless between the one who adopts and all those who are under the power of adoption. See: The second relationship of spirituality arises by ecclesiastical law between certain persons on account of Baptism and Confirmation, and it dissolves Matrimony (as is found in c. 1). Of spiritual kinship in Chapter 6: Coming forth; and it is established from Chapter 24, Section 2. See 1. 7 d. d. 34.) between the baptizer and the baptized, and this father: likewise between the one who receives and that which is received, and this father and mother. * (Here many doubts arose, of which we have already spoken sufficiently in *) 1029 Tertia est cognatio Consanguinitatis carnalis, quae est vinculum personarum ab eodem stipite proximo descendentium, dirimitque Matrimonium usque ad quartum gradum hinc transversae inclusivè.

And indeed as regards the first, perhaps according to the law of nature: as regards the remaining three, solely according to ecclesiastical law. Moreover, and also, thePontiff is permitted to dispense from this for just

causes. But as regards the steps of a straight line, it is probable that all are prohibited by natural law. * (But it is sufficiently probable that all are forbidden by ecclesiastical law except the step in the straight line; see what was said in 1.6 n. 470.) * Furthermore, for determining the steps of consanguinity, the following rules are established. » Prima.

In a straight line both ascenders and descendents, as many are persons, so too are there degrees; except for the root: (For a line is a series of persons descending from one root through various generations, containing different degrees.) The stock is that from which contrahenies descend: for example, the father and son are consanguineous in the first degree, nephew and uncle in the second, grandfather and grandson in the third, etc. Second. In linea transversa aequale (quæ est inter personas à communi stipite æqualiter distantes) quot gradibus persona singula à communi stipite. Cap. III. Doubt.

II. On Obstacles to Marriage. 42 - remote, identical distances separate them from each other. Wherefore brother and sister— are in the degree of affinities transversely, as well uncle and nephew—and second cousins—in the second remove—their children likewise in the third remove.— The third. In a transverse line unequally, between persons unequally distant from the common standard, as one person is removed by so many degrees from the standard, so many degrees are they distant from each other.

Accordingly, uncle and nephew, son and sister of the father are consanguineous in the second degree, which all are apparent in the appended schema. SCHEMA CONSANGUINITATIS. IV. Avunculus. Avia.

M. Propagator < br/ > M. Friendship. < /td > < td > III. Grandfather. < br/ > Grandmother. < /td > < td > IV.

M. Grandfather < br/ > M. Grandmother-grandmother. < /td > < / tr > < tr > < td > III. M.

Uncle < br/ > M. Amita. < /td > < td > II. Grandfather. < br/ > Grandmother. < /td > < td > III. M.

Uncle. < br/ > M. Motherterrace. Uncle. < br/ > Amita. < /td > < td > I. FATHER. < br/ > MOTHER. < /td > < td > II.

Uncle. < br/ > Mother's sister. < /td > < /tr > < tr > < td > I. Brother + Hypothetical... Sister. Sons, and Daughters

Brother. Son. < br/ > Daughter. < /td > < td > II. Nieces and nephews < br/ > From the sister. < /td > < /tr > < tr > < td > III Grand-nieces and grand-nephews < br/ > from the brother. < /td > < td > II. Nephew. < br/ > Niece. < /td > < td > III.

Nephews and nieces < br/ > from the sister. < /td > < /tr > < tr > < td > IV. Great-grandchildren and great-great-uncles from the brother. III. Step-father.

Step-mother. Nephew and niece < br/ > from the sister. < /td > < / tr > < tr > < td > < /td > < td > IV. Note this when referring to 103r t. 2 p. 135: If a Confessor is chosen for supplementation, it can be sufficiently confirmed by another triennium following the time of supplementation; since the prohibition regarding not choosing a Confessor beyond a triennium, as odious and strict, is understood in terms of ordinary election rather than extraordinary. This is the case if a Confessor is chosen for supplementation, and it can be sufficiently confirmed by another triennium following the time of supplementation; since the prohibition regarding not choosing a Confessor beyond a triennium, as odious and strict, is understood in terms of ordinary election rather than extraordinary. The degree nearer or more remote should be expressed both from one side and the other in the supplication for dispensation; if the nearer were the first degree, this is taken from the Bull of St. Pius V. Saints. Because in that preeminence grade the Pope did not intend to dispense, unless it is expressed. "It is said V."

Crime, et hoc tripliciter. First it is. Murder of a spouse by the other spouse, and yet another kind, whether physically, for example with a sword or poison, or morally, through command, completed by that very counsel, so that afterwards they may contract Matrimony with each other. If a confessarius be chosen for supplementum, it may well be confirmed by another triennium after time of supplementum; because the prohibition against choosing a confessarius beyond three years, inasmuch as it is odious and strict, is to be understood of ordinary election, not extraordinary. If a murder have been attempted but not consummated, or consummated without intention of entering into Matrimony, or with such intention indeed but not signified externally, or without common counsel but by one alone; then it does not dissolve the Marriage, unless presumptuous Adultery have preceded; for although only one may have committed the murder intentionally in regard to the other who was unaware, yet if he do this with intent to the Matrimony, truly it dissolves.

Thus C. . 1. 7 d. 78 n. 13 and d. 79. Adulterium secundum est, quando nimirum duo carnaliter se cognoscunt, vivente alterius conjugi, et vel

Matrimonium ineunt de praesenti, vel salien dant fidem de ineundo post mortem con-jugi. But in this case it is required that the promise be accepted, and each one know the other to be married: for if either one ignores this, the marriage does not become invalid, even though, if a confessor were chosen as a supplement, it could be properly confirmed through another three years after the time of the supplement, because the prohibition against choosing a confessor beyond three years is so odious and strict when considering ordinary election but not extraordinary. Perez, Con. d. 31 n. 57 et 61.

Sanctus 1. 7 disp. 79 note 12. See the supposed excuse, which ignorance excuses any supposed fact. Leo in practice p. 2, s. 284: it suffices if the adulterer doubts whether, during the time of adultery and the promise of marriage with adultery, the other spouse has lived; for it is presumed that he has lived unless his death is proven. Navar. . 7 de Bard. d. 6 c. 11 § 8.

Two carnally know each other while the other spouse is living, and either enter into marriage presentemente, or give faith of entering after the death of the spouse. But in this case it is required that the promise be accepted and both know the other to be married: for if either one does not know, the marriage is not nullified, and if a confessor is chosen for supplementation, it can be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessor beyond three years, inasmuch as it is odious and strict, is to be understood of ordinary election, not extraordinary. Afterward let the marriage be consummated with the living spouse. Perez, Con. d. 31 n. 57 et 61. Sanch 1. 7 disp.

79 note 12. Filliuc. n. 256. See presumed R. 198. It excuses ignorance even any presumptuous act of fact. Leo in practice p. 2, s. 284; however, it suffices if the adulterer doubts whether at the time of adultery and of the promise of marriage with the adulteress, the other spouse has lived; because it is presumed that he has lived unless his death is proven.

Navar. . 7 d. » Bard. d. 6 c. 11 § 8. The third is Kidnapping, by which a person is carried off through violence, for the purpose of the exercise of lust, or [for some other purpose]. For the reason of entering matrimony. S. Th. d. 105, « Tamen hæc impedimenta durant, licet libere consensu consentiat. »

Restored to liberty, he can lead. "It is nevertheless probable that the decrees of Trent merely comprehend the abduction which serves as a cause for Marriage," 13 V. - Regarding the impediment on account of abduction, we will speak in section 1035 at the end of this Doubt from note 1107.

Here we speak only of the impediment by crime of Murder, and by crime of Adultery. That is why we consider the rule handed down by some in order to distinguish such an impediment.

Hoc incumbit in tres casus, scilicet utroque patrante (id est crimen homicidii, ut illud patrante intendendum), uno patrante, et nemine patrante. And I. Utroque patrante, quando non est adulterium sed uterque conspirat ad homicidium animo nudendi-di. II.

One party to the conspiracy, when for example a man after adultery kills his wife in order to lead an adulteress away, may be permitted this not to conspire with him in the murder: provided that his intention is manifestly made known to this effect. III. Without any patronage, when there is no occurrence of murder, but only adultery and a marriage promise which has neither been made nor at least accepted before the spouse adulterer dies. From I.

Therefore, by headship, namely when both parties consent, it is unlawful for the husband to kill his wife without adultery and the promise of marriage, which has neither been made nor even accepted before he dies from adulterous relations; thus, according to common law Bell. 1. 1 de Crimen, Sanch 1. 7 D. 78 n. 9. Pontifical Decree 1:7 chapter 45 number 4. Cabb. 1. 3 c. 23 n. 3. c. 12 n. 55 ex e. A laudable one concerning conversion.

Occidisse, Bellarm. 1. c. v. Add, 5: Pont. 1. c. p. 156 v. But also, Lamy, c. 10 n. 4. c. Bon. Add Soto, Palud.

Major et aliis multis contra Sedem bene respondent AA. praemo loco citati, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta ac cipienda est de electione ordinaria et non extraordinaria. Licet in jure non exprimatur praefata conditio, ipsa tamen coligitur ex fine legis, nimirum ne Coniux machinet mortem alterius ut postea alteri nubat. They nevertheless note Articles 9 and 55 together with Utrum autem requiratur, ut talis intentione alteri saltem manifestetur? They deny . 7 D. 78 n. 19 with Man. et Vega; and at that time also it is said whether it is required that such intention be manifested to another at least? However, they affirm Pontius I. 7 c. 45 n. 5 Diana p. 9 tr. 7 R. 25, for the law cannot demand obedience except that which is owed to a man; but what is owed to a man is only external operation, which is commanded; for internal things are due solely to God. The respondent to the case of Clementina states that if a Confessor is chosen as a supplement, it can be well confirmed by another three years

after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period, insofar as it is odious and strict, should be understood with respect to ordinary election rather than extraordinary. Therefore, one who is not excommunicated for committing injustice out of simple love or hatred within himself, but who additionally manifests an external sign of such love or hatred, will be so punished.

Thus it seems more probable to me to say thus: Si sufficientia indicia intentionis praecesserint, puta munera, familiaritates, epistolae amatoriae, et similia inter eos qui contrahere volunt, tunc incurrit impedimentum; secundùs si intentio omniè remanerit interna; tunc enim Ecclesia nequit punire homicidium ex talì intentione factum, si nullum de ea indicium praecesserit. From the Second. Headedly, by one sponsor, namely from homicide with adultery, to dissolve Matrimony suffices, if a Confessor be chosen for supplement, well may it be confirmed per another triennium after time supplement, because prohibition de non eligendo Confessori ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria., which, if a Confessor be chosen for supplement, well may it be confirmed per another triennium after time supplement, because prohibition de non eligendo Confessori ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria., standing adultery, one part only perpetrating homicide, though the other part unaware, thus commonly 7 D. 78 n. 9. Pont, 1. 7 c. 45 n. 4 et 5, Cap. III.

Dub. II. Delp with the foodstuffs of Marriage. 45 8 et Cornéjo, etc. This is evident from c. Si quis vivente 5. Furthermore, according to c. Propositum 1 de eo qui dux, etc., it is evident: No one should contract Matrimony prior to defiling it with adultery; especially that marriage in which he had given his word and faith, to his wife while she was still alive, who had contrived the death of her spouse.

Moreover, from c. Significasti 6, the same [thing] is said, where it has been declared that a valid marriage existed in spite of adultery, unless either of them had plotted the death of the wife before her demise, or had given his faith while she was alive to contracting Matrimony again. For this impediment to be incurred, it is required I. That death may have genuinely followed from a blow given by the spouse, or according to his command; thus Pontius n. 4, n. 7, and commonly. II.

That adultery precede the killing; . 408 n. 179 and with the Con. III. That is to say, prior to the marriage being valid and unconsummated, and even if divorce has been illicitly obtained; It is required IV. That adultery may be consummated, so that there be one flesh: hence if a man truly does not seed in the woman's vessel, this impediment is by no means incurred; as

stated at 7 D. 79 in princ. l. c. and Thomas.

S. Anton. et comm. Hinc autem dubitatur, an requiratur ad consummationem adulterii ut non solum vir, sed etiam praesumptum foeminina seminet? They deny. 2 D. 21 n. 2 and. 4. But others affirm this, as is held in c. et express? id tenet D. 4 ad 2. where it states: A man and a woman will be made one flesh... through the mixture of seeds.

Wherefore whoever invades or breaks the enclosure of shame to any degree, unless semen mixing follows, does not contract affinity. And therefore they justly call this opinion probable 1. c. et ...: Requir. V. That adultery may be known to the Marriage; wherefore, if a woman has intercourse with her husband whom she thought dissolved, an impediment is not contracted; similarly . 7 D. 78 n. 12. c. 12 n. 51 ex c. Veniens et c. Propositum, de eo qui duxit etc. But then does gross and culpable ignorance of adultery constitute a legitimate exception?

They deny, however, according to Quia tunc, as they say, that there was genuine adultery then. But they affirm probably according to Busemb., as above, and . 7 D. 79 n. 38 and . jur. Then because adultery requires malice, according to the last book of laws from the second to the end. July.

When through gross ignorance, unless it has been at least affected, no dolus is given, according to the Gloss on the law concerning theft. That the killing was done with the intention of averting adultery, at least from the part of the killer, merely by having manifested such an external intent to another; according to the aforementioned judgment close to what we said above in note 1034, it is required that there be some previous manifesting signs; this they say should proceed in either case for another reason, even if she agrees in homicide but without any intention of Matrimony, no impediment is contracted. But if a man slays his wife with intent to marry another indeterminately; he may subsequently say she was an adulteress. . 7 D. 78 n. 18. n. 54 cum ibidem cum Con. 1037 Ex III. In case neither party consents, namely when there is no murder but merely adultery with a promise of marriage, as stated in the references c. 1 and 6 regarding him who took her, and at the end of c. eadem title.

Teach- Head III. Dub. II. On Objections to Marriage. 4th question. 7th distinction. 79th article. 43rd note.

For this impediment to arise, it is required that if a penitentiary be chosen for supplementation, it can adequately be confirmed by another three years after the time of supplementation, because the prohibition from not

choosing a penitentiary beyond three years, given its odiousness and strict reception in matters of ordinary election but not extraordinary, holds true for adultery as well as promise made while the spouse is living, provided that the promise was not revoked before the adultery; otherwise, if it was revoked afterwards, then an impediment remains, because the contract has already been entered into, whether the promise preceded or followed the adultery, as expressed in the concluding chapter concerning him who led. Moreover, it should be tolerated neither if one had earlier nor later defiled the spouse with whom faith had been given, unless the promise was revoked before the adultery; otherwise, when it remains, an impediment is left, because the contract has already been made. Requir: 3 ut promissio fuerit externa, et accep- lata; unde non sufficit; si adulteria mere nega- tive se habuerit, ut communiter docent. Cabass. l. 3 c. 23 n. 9. c. 12 n. 61. But he doubts. i.

Is the taciturnity of adultery sufficient: 38 a sign of consent? A firmant Pont: 1. 7 q. 45 n. 2 et Conin. p. 12in.: 11. quia in materia favorabili taciturnitas habetur pro consensu. But they deny [this], citing 7 D. 79 infra: 25 et Pal) loc. cit., with Gutt., because such a matter is more deceitful than favorable when acceptance is subjected to ecclesiastical penalties. Justly does each opinion call probable both views.

Dubium 2. A pretended promise of marriage: whether it causes an impediment through adultery? They affirm: (provided that the fiction does not externally appear) 7 D. 79 n. 20, and if a Confessor is chosen for supplementarily, it may be well confirmed by another triennium after the time of supplementarily, because the prohibition against not choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood with respect to ordinary election rather than extraordinary. For if a Confessor is chosen for supplementarily, it may be well confirmed by another triennium after the time of supplementarily, because the prohibition against not choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood with respect to ordinary election rather than extraordinary. Rights aim to avoid evil.

But more probable and common they deny. Croix n. 625. num. 175 et 62 cum 1035 requirunt fidem, sive promissionem Matrimonii: ficta autem promissio non est promissio; et quamvis cum tali ficta promissione non vitetur periculum in adul- tera decepta captandae mortis Conjugis, tamen cum agatur de lege prohibitiva, et de materia odiosa, stricta facienda est interpretatio: tanto magis si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. finis pre-

cepti non cadit sub praecepto. 40o Dubit. 3. Whether a conditional promise induces an impediment in that case? They affirm on page 152 and chapter 7, decree 79, note 11, because a conditional promise induces an obligation not to be dissolved, and by it true faith is truly said to be given, and true means are truly provided for the capture of mortality.

Sixth, Holzrn. num. 562. 4. Ebel num. 162 et Ratio, quia iura requirunt fidem, per quam (cum simus in odiosis; ubi lex stricte interpretanda) intelligenda est fides, seu promissio pura et absoluta. Besides which, by means of a conditional promise, death is not so readily delivered up; it agrees more perfectly through an absolute promise. However, the aforementioned authors hold that such a promise introduces an impediment after the condition has been fulfilled before the death of the spouse.

But this could be responded to, if a Confessor is chosen as a supplement, he can be sufficiently confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, as it is odious and strict in ordinary election, not extraordinary, implies that said promise, which still has to fulfill its condition, cannot be considered pure in itself according to law; moreover, since DD. commonly report this exception, I remit this matter to the wise. 40i Dubit. 4. Is it necessary to incur an impediment, that the promise be mutual? Bellarmin affirms in De Matrimonio 1:1 cap. 22. Case 2, Eb. num. 165. and Henr.

That is clearly judged by the Glossa in chapter Significasti 6 regarding him who led. Because, as they say, laws seem to require from them a promise, which otherwise in sponsals imposes an obligation on both sides regarding Matrimony, Cap. III. Doubt. II.

On Marital Impediments. To be contracted. 49 But with detestations and probabilities they deny. 7 D. 79 n. 42. Perez, et Reb. et 13 cum relatis n. 1035) nullam habet repromissionis mentionem, sed tantum de fide data loquitur. Therefore another promise is required in sponsals between separated persons, so that it may oblige to Marriage; if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, being odious and strict, should be understood concerning ordinary election and not extraordinary, which depends on natural law: another matter.

Conjugatos ut inducat impedimentum; si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus

supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinaria pendet a jure positivo. Finally, this must be noted: if a Confessor is chosen for the supplement, he can properly be confirmed through another triennium following the time of the supplement, because the prohibition against failing to choose a Confessor beyond three years, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary. Three crimes, 1042 from which an impediment arises, add a fourth: adultery, namely, when one has had illicit intercourse with another while still married to his wife, and thereafter attempted marriage with her; this marriage is null, whether the illicit intercourse preceded the attempt at marriage or followed it. Ita ex c. Significavit sec. Litterarum quart. cum haberet quint. et c. Si quis octav. Of him who gave in marriage.

See Cross 1. 6 p. 5 n. 621. Whoever, while his wife was alive, would promise Matrimony to another person in regard to his own, but without committing Adultery, a Matrimonial Bond contravened, although he does not incur an impediment, is nevertheless not excused from mortal sin; as Sanach. 1. 7 D. 79 n. 40. 10 in fin: 11 p. 12 n. 15 cum. "It is said VI." Disparity of cultus, sive religionis: quae dirimit matrimonium inter baptizatum et non baptizatum, praesumptum catechumenenum.

That is established by ecclesiastical law alone, not written law; see above, book 2, treatise 1, chapter 4, dubia 3 * (as is found in chapter 1 on Divorce). See the aforementioned discussion regarding the said matter from chapter 88. P. Benedictus XIV. in the Bull issued on the day of November 4, 1741, concerning Matrimony. You will find this in volume 9 Dec.

VIII. whereafter the Pontiff declared - Tom, VII. » He finds that conjugial bonds between Heretics are valid; thus he says: » Regretting his sanctity to be among Catholics who with an infamous and foolish passion abominably connubiate with these aforementioned detestable ones against whom the Holy Mother Church perpetually condemned such marriages, they do not inwardly abhor them: All bishops, vicars, parishes in those parts seriously and gravely exhort and warn, that as much as possible Catholics should abstain from such marriages leading to the perdition of their own souls, and that they diligently seek to effectively impede.) * » It is said VII. Wish, or violence; and a grave fear unjustly impressed, to extort Marriage: irritates both in equity and in law. (Ex c. Significavit c. Cum locum, c. Veniens, et c. Consultationi, de eo qui duxit etc. Vid.) And furthermore, and consangui涅盘

And this even if a vow intervenes: unless the vow is with regard to the giving of free consent, because then it certainly binds, as rightly noted in articles 3 and 4. By natural law, if it be imposed upon the contracting party itself, but by positive law, if it be imposed by a third party. I add (gravely) what falls upon a steadfast man, e.g., death, perpetual imprisonment, loss of goods, unjust excommunication, and extreme fatherly indignation. When however your own will is light, the contract is deemed voluntary; and this, to avoid disputes in Matrimony, so that the Sacrament may be considered. Respone.

Although and unjustly: because if it be justly struck, the Marriage is valid: such a thing rather being incurred from oneself who gave the cause; as if, for instance. Accusation of fornication with the daughter of a miner, unless she lead him to it. I have added 3rd to extort: "quia Matrimonium ex maximo tamen metu, unde cumque, et quandocumque incusso, dummodo non ad Matrimonium extorquendum, valet; tum enim non tam contrahitur metu, quam eligitur medium Cap. III." Doubt.

II. On the impediments to Marriage. 5. "peril of evasion, and Marriage is simply voluntary." Whereby the marriage is resolved to be valid in the following cases.

See 1. If through fear of hell, or of death in sickness, or in shipwreck he contracts matrimony with a concubine, Bon. l. c. 2. If anyone, persuaded by a physician that he will not survive long unless accompanied by his wife, takes her with him. Bon. l. c. n. 19.

3. If someone is apprehended and confined in prison with the hope of escape, he contracts a relationship with the lictor's daughter. . 4 d. 12 n. 10. » Case law, decision 28, doubtful question 1, chapter 3. 4.

If damned by death, that I might escape, it lead me backward or to some other [place]. 5. Si morte damnatus, ut evadat, ducat me-retticem, aut aliam. If the Prince, being besieged, offers his daughter to the besieging Matrimony, that he may be released from siege, then it is. » 6.

If a ravisher or deflowerer of a virgin offer himself to the judge in fear of death, that he may be led to her; if, lying down for death, he contract with the daughter of the physician, another not willing to cure him. Respondebat. Con. Even though a grave fear has been impressed merely to contract Marriage in general, the contract nevertheless is held to be null, they teach., 9.

When a Marriage was contracted out of great fear merely, it is not binding (in the forum of conscience) per se speaking to be perfected thereby, and also to be dissoluble at the instance of another party against his will; even him who was free from fear, even if such freedom came either from himself or through his own fault, they teach. Hurtado et vis enim omnino tollit voluntarium, cum sit extrinsecus a principio, et ipse vim passus nihil agit; metus vero non tollit simpliciter voluntarium; unde in I. 10 ff., si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria; metus vero causâ etc., sic metus definitur: Est instantiae vel futuri periculi causa mente trepidatio. This however must be noted: if a Confessor is chosen for the supplement, it can be sufficiently confirmed by another three-year period after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period is to be understood as odious and strict in relation to ordinary election, not extraordinary. For this reason, if a Confessor is chosen for the supplement, it can be sufficiently confirmed by another three-year period after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period is to be understood as odious and strict in relation to ordinary election, not extraordinary. The reason why it is thus understood: fear (vis) is taken here for fear (metu). Supponendum est duos metus: alium intrinsecum, aliud extrinsecum; metus intrinsecus est ille qui infertur a causa intrinseca vel naturali, sicut metus mortis ex morbo aut naufragio; et metus verus ab extrinseco est quem infert causae extrinsecae et liberae, scilicet a homine, et hoc requirit ad irritandum Matrimonium.

It must be supposed 3, that another kind of fear exists, one which falls upon a steadfast man, and another which is light. D. It is cited that a grave fear arises when a serious evil is present if a Confessor is chosen as a supplement, because it can be well confirmed by another three years after the period of supplementation; for the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious, strict, and to be accepted as such concerning ordinary election, not extraordinary, is feared. 107 In order for fear to be considered grave, requirement 1 is necessary. That the evil, if a Confessor be chosen for supplementation, can well be confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a three-year period, insofar as it is odious, strict, and to be accepted regarding ordinary election, not extraordinary one, being so feared, may have been, salve at least the fear suffered from the threat, ex 1. Fear. 1 ff. concerning it if a Confessor be elected for supplementation, he may well be confirmed by another triennium after the time of

supplementation; because the prohibition of not electing a Confessor beyond a triennium is to be strictly and odiously received as regards an ordinary election, but not as regards an extraordinary one. If however anyone be elected as Confessor for supplementation, then he may well be confirmed by another triennium after the time of supplementation; because the prohibition of not electing a Confessor beyond a triennium is to be strictly and odiously received as regards an ordinary election, but not as regards an extraordinary one. Enough however if a fear exists that the evil is absolutely grave in itself according to common opinion of men, although it may not be greater than that which arises when a Confessor is elected for supplementation, then he may well be confirmed by another triennium after the time of supplementation; because the prohibition of not electing a Confessor beyond a triennium is to be strictly and odiously received as regards an ordinary election, but not as regards an extraordinary one. Thus it commonly adverted. 4 D. 2 n. 3.

Pont. 1. 4 c. 2 ar. 2 et . 4. n. 1. . 2 c. 17 n. 35. et ex 1. These indeed, namely those concerning it, if a confessor be elected for the supplement, may be confirmed through another triennium after the term of supplement, since the prohibition against electing a confessor beyond the triennium is odious and strictly received in ordinary election, not extraordinary; that is to say, when a confessor is elected for the supplement, it can be properly confirmed through another triennium after the time of supplement, because the prohibition against electing a confessor beyond the triennium being odious and strictly received in ordinary election, not extraordinary. Moreover, those who are proximate by relationship at least to the fourth degree, whether consanguineous or affines, as they extend this presumption even to domestics and servants according to c. Quicumque de 1 of 4 D. 1 n. 17 and Requiriur 3 so that evil may not be able otherwise to be avoided; and it is required 11 canons and it is required 4 that the threatening evil may be executed, unless experience has shown the loquacious one easily makes threats but does not subsequently execute them, or easily placates, as they say. 1 n. 19 et 20. Cornéjo, Dic., et Aversa, et Menochio, etc. In addition they add: and Bossuet, 11th chapters, require that if a Confessor be chosen for supplementation, he might be sufficiently confirmed by another three years after the time of supplementation, because the prohibition against choosing a Confessor beyond a three-year period is to be strictly and odiously received in regard to an ordinary election, not an extraordinary one. For this reason, if a Confessor be chosen for supplementation, he might be sufficiently confirmed by another three years after the time of supplementation, because the prohibition against choosing a Confessor beyond a three-year period is to be strictly and odiously received in regard to an ordinary election, not an extraordinary one; for it has become

customary that such prohibition would usually instill fear sufficient to enforce the threats, according to 1. Fear, Cap. III.

Doubt. II. On Obstacles to Marriage. 53 C. concerning those which vitiate consent, where it is stated: Fear should not be judged by mere jactations or protestations, but by the atrocity of the deed itself. But I cannot acquiesce in the doctrine pronounced by the aforementioned Fathers; for although one may not be an eloquent and light-minded person, I do not see why prudent fear of evil should not be felt if a Confessor is chosen as a supplement, since he can be well confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond the triennium is so odious and strict in regard to ordinary election, not extraordinary. Therefore, if a Confessor is chosen as a supplement, he can be well confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond the triennium is so odious and strict in regard to ordinary election, not extraordinary. The serious man should seriously and deliberately take this into account.

They themselves admit, c. 12 num. 55 with and Rota Romana from 1. 3 ff. de vi et vi armata, to suffice for warding off a grave fear, if others actually armed Marriage expose. Grave evils, whose fear provokes Marriage, they consider to be numbered one thousand four hundred. Death, or grave torture, from the Curia dilectus concerning these matters, secunda II. Banishment, according to 4 D. 5 n, 8 with Soto, Heur, etc., III.

Prison ex l. Whoever is placed in prison. ff. concerning this, if a Confessor is chosen for supplementation, he can certainly be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a three-year period, as it is odious and strict, should be understood regarding ordinary election but not extraordinary, i.e., fear etc. However, they also say and . Loss of status from the book. These. ff. of the same title, either of honor, n. 42 and 43 with many others.

V. Violation of a virgin according to the aforementioned law. These, or widows of good repute; n. 45 with Pontius etc. VI. Scandal of reputation, sicut si quis deprehensus alterum in crimine infami comminetur se proditorem esse, ex dict. l.

Neither fear 7 ff. from the same title. And the same thing he says about the fear of great modesty, namely, if anyone, except in case of marriage, threatens to expose you with public dishonor, he minaces that he will strip you naked. VII. An unjust excommunication (unless it can easily be

avoided), because this at least externally inflicts a grave mark of infamy; and Sylv. ac Boss. num. 53 cum Pont.

VIII. Loss of a great mover of goods, 25 with Soto, n. 49 with Amissio magni lucri; but rightly they say, n. 62 with passus habet jus ad illud lucrum vel saltèm ne ab illo injustè impediatur, quia aliàs non esset pati mētum damni, sed potius allici ad spern ī jus. But he observes. D. 5 n 5 si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria, ubi causa metùs non est in jure expressa, arbitrio Judi- cis definienda sit.

That is to say, in order for fear to irritate Matrimony, it must come from without or from a person; not from within, as commonly taught: I. 4 D. 1 n. 2. Pont. 1. 4 c. 19 n. 3. 7 et Salm: c. 9 n. 41 cum Soto, Cov. Aversa, Candido, et communi. It is asked II. that fear may be instilled with a view to concluding Matrimony, . 4 D. 12 n. 3. . c. R. 3 et Henr. et communi; and it is evident from c. Cum locum, et c. Veniens de Spons.

It is questioned. III. ut metus sit injuste incussus; n. 3. cc. Unde si pater inveniret stupratorem suae filiae et minas illi incuteret mortis ad extorquendum Matrimonium, equidem matrimonium esset nullum, ut habetur in dicto c. Veniens de Spons. Accordingly, if he were to threaten death in order to avenge an injury, and the rapist were to enter into marriage in hopes of thereby avoiding the threat, then it would be because the fear was not intended to extort marriage: thus generally c. v. n. 188 with Host. Busenb. ut supra, c. et Idem si Judex includeret stupratorem in carcerem, ut puellam ducat vel doctet (juxta præscriptum in c. 1 et 2 de 1. 4 D. 13 n. 7.

Ponteius 1. 4 c. 19 n. 14 in fine. Unless (they are excused), the rapist would neither want nor be able to do otherwise, Chapter III. Dub. II. concerning impediments to Matrimony: 55 ways in which damages are made reparable; and merito, because the rapist, when not dotaged [i.e., not providing dower], is altogether bound to marry her he has violated, as Lugo de Just teaches.

D. 12 n. 51. . tit. c. 3 n. 9, together with others commonly. Dubium. i. If the Judge had unjustly condemned the accused to death and promised to release him if he led his daughter to him, would such a marriage be valid? The first sentence affirms this, and they hold thus: D. 12 n. r.et . et 4 c. 19 n. 9. 7 R. 222 cum et Vega.

Ratio; quia tunc metus jam oritur ab extrinseco, nempe a judicis injustitia; licet enim a principio damnatio illa non sit facta ad extorquendum matrimonium, tamen revera ad hunc finem saltem incutitur sententia executio, à qua judex tenetur abstinere. But otherwise it should be said with Bossio, that if a third party offered him liberation on condition that he would lead his daughter; in this case no fear at all would be instilled, but rather an opportunity for avoiding fear would be presented. Doubt. 2. What if the accused justly deserves death, and the judge offers him liberty himself, provided that he lead the judge's daughter?

Pon. 1. 4 c. 19 n. 13 negat pariter cum c. 12 n. 184, quia licet iudex justè damnaret illum morte, tamen injuste ab ipso consensum extorquebat ad matrimonium: et si quis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi; quia prohibitio de non eligendo confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. reus non tene- tur nisi esset in compensationem delicti: nempe si existat consuetudo ut condonetur vita reo qui ducit uxorem vel filiam occisi; juxtà id si quis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi; quia prohibitio de non eligendo confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. ait 4 D. 12 n. 12. They indeed more probingly assert that Boss, I, c. and Præpositus are valid. Vega, Ratio, quia tunc non inferitur metus a Judice, sed potius aestuatur: et quamvis Judex injuriam irroget legi, reo tamen favorem praebet. 1552 Dubit. 3. What if the judge should compel to Marriage someone who, in reality, is innocent, according to the allegations and proven facts?

The first opinion stated, that the Marriage is valid, and they hold thus. D. 13 n. 8. ap. Reason, because such coercion is now approved by canonical law, hence it cannot be believed that if a Confessor is chosen as a supplement, his confirmation may well be accomplished through another triennium after the time of the supplement, since the prohibition against choosing a Confessor beyond three years, insofar as it is odious and strict, should be understood of ordinary election, not extraordinary; and thus such Matrimony is annulled, when by natural law it is already valid according to the opinion of many, as will be discussed below n. 1054. Dub. 5.

The second opinion, however, is more probable and perhaps even more likely to be deemed so, namely that Marriage is null, and this opinion is held by Pont. 1. 4c. 19 n. 11. v. But what if, Diana, p. 4t. 4 R. 33; hence it is lawful for the Judge to justly decree according to the allegations, yet the

patient is not bound thereby: according to the truth of the matter, Matrimony may be contracted. It does not hinder to say that it cannot be believed to be condemned by canonical law if a confessor is chosen as a supplement, he can be adequately confirmed by another three years after the time of the supplement; because the prohibition against choosing a confessor beyond a three-year period being so odious and strict in the case of ordinary election, not extraordinary, is approved in the same way, for this would hold true if fear only stirred up marriage according to ecclesiastical law, but it is very probable that fear can also be stirred up according to the law of nature, as we will see in Doubt 5 seq. 1053 Doubt 4. If a Physician refuses to heal the sick man unless he contracts matrimony with his daughter, may the Marriage be valid?

They affirm [the same] in Absolvi . 4 D. 12 n. 15, when it commends. Reason, because then fear is not said to be extrinsically from the physician, but intrinsically from the very disease itself. But better distinguish the Pontifical 1:4 c.19 n.15, and the Replies agree, saying that if a Confessor is chosen for supplementation, he can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a three-year period, insofar as it is odious, strict, and to be understood harshly, applies to ordinary election not extraordinary. For if a doctor is not bound by justice to treat the lowest [patient], then indeed the marriage will be valid; but otherwise if he is bound by justice, because then fear arises intrinsically from the illness itself, albeit principally, yet it also arises presumptuously extrinsically, namely, from the denial of treatment, which truly is a serious injury. And the same is to be said regarding Chapter III.

Dub. II. On Objections to Marriage. 57 Boss. Even if necessity urged and another were not lacking, still the physician would be bound only by charity to cure. Doubt. 5.

Whether fear agitates Marriage either by its natural nature or by ecclesiastical law? The first opinion states that it irritates de jure; ecclesiastically, and they hold this: 4 D. 14 n. 2.; 4 c. 6 n. 3.; 2 c. 17 n. 47. Copt.. Tour. t. 2 p. 171. cum communi, ut asserunt, et cum Gonet, Solo, Val. . etc. Ratio, quia in tali Matrimonio jam adest sufficiens voluntarium, et licet libertas ex metu minuatur, ex tali tamen diminutione nequit reddi nullum Matrimonium; nam alias irritari deberet praesumptum ex metu instruesco, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria., quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud

triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. nemo dict: cum autem hoc Matrimonium naturaliter sit illicitum, merito Ecclesia illud irritat. The second opinion, however, holds no less probably, and perhaps more so, that Matrimony is rendered illicit by reason of fear; this they maintain in the work of Pope [Pope Innocent III] lib. 4 c. 44 n. 4.

Diana, p. 4, tr. 4, R. 33. Cov. Middle. Commit.

Reb. 583, cum Scoti et Scotisti communiter ut asserunt; semper exprime tenent praesumptum. Qu. 47 art. 3, ubi ait: Vinculum Matrimonii est perpetuatum, unde illud si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa stricta ac- cipienda est de electione ordinaria, non extraordinaria. Per perpetuitati repugnat, Matrimonium tollit. Fear given, which falls into a constant man, destroys perpetuity of contract, because it can petition for full restoration; and thus such an extinction of fear, which falls into a constant man, destroys. Marriage, and not another thing. The first reason is this: for it has been said by the Holy Doctor that if a Confessor be chosen as an addition, he can be sufficiently confirmed through another three years after the time of the addition, because the prohibition against choosing a Confessor beyond a three-year period, inasmuch as it is odious and strict, must be understood regarding ordinary election, not extraordinary. For all contracts initiated out of fear are not made firm and perpetual, and thus can be restored to their original state; but since Matrimony, being per se perpetual and indissoluble, cannot otherwise enjoy restoration to its original state unless it has been so decreed by natural law itself. For if a Confessor be chosen as an addition, he can be sufficiently confirmed through another three years after the time of the addition, because the prohibition against choosing a Confessor beyond a three-year period, inasmuch as it is odious and strict, must be understood regarding ordinary election, not extraordinary; from the beginning there should be no fear: The second reason is this, that Matrimony is a bond of perpetual mutual love between spouses, as stated in Matthew 16 verse 5.

Let every man honor his father and his mother, and let him cleave unto his wife. Wherefore, when a marriage is contracted through fear, it ought to be such as to have no validity from itself; otherwise love cannot consist with fear; for no one is wont to cleave to that which he holds against his will. Third reason, to inquire whether such a Marriage would naturally be held valid, nature would approve an act from which very serious evils against the common good would arise, namely, if someone were chosen as

Confessor for the supplement, it might well be sufficiently confirmed through another three years after the time of the supplement; because the prohibition of not choosing a Confessor beyond three years is so odious and strict that it should be held in regard to ordinary election, not extraordinary. This often forces an innocent one to lead a harsh life, while a guilty one reaps benefit from his own injustice: which is not consonant with natural reason. Furthermore, this judgment is validly confirmed from c. Cum locum 14 de Spons. where it stands thus: When places lack consent, where fear or coercion intervene, it has happened that when someone assents to what is questioned, the material of coercion is repeated and marriage is thereby alone contracted; and where from itself security is sought, one ought to have full confidence in his own heart which is to be probed; let him himself love more abundantly through fear if a confessor is chosen for supplementing [the period], it can be sufficiently confirmed by another three years after the time of supplementing, because the prohibition against not choosing a confessor beyond three years is so odious and strict as to be held with greater rigour on matters of ordinary election than of extraordinary one. For if someone is chosen as confessor for supplementing [the period], it can be sufficiently confirmed by another three years after the time of supplementing, because the prohibition against not choosing a confessor beyond three years is so odious and strict as to be held with greater rigour on matters of ordinary election than of extraordinary one. He who hates it, and follows what usually results from things disliked, let him do so.

Therefore observe, if a Confessor be chosen for supplement, it may well be confirmed by another three years after the time of supplement, because the prohibition of not choosing a Confessor beyond three years is so odious and strict in regard to ordinary election as compared with extraordinary. For if a Confessor be chosen for supplement, it may well be confirmed by another three years after the time of supplement, because the prohibition of not choosing a Confessor beyond three years is so odious and strict in regard to ordinary election as compared with extraordinary. The Pontiff should not speak on this point as though instituting something new, but rather declare and pronounce the natural law; if a Confessor be chosen for supplement, it may well be confirmed by another three years after the time of supplement, because the prohibition of not choosing a Confessor beyond three years is so odious and strict in regard to ordinary election as compared with extraordinary. For thereby the Matrimony itself will be null from its very nature. 1655. Dubium. VI. Whether a slight fear disturbs Marriage? Affirmant Lugo de Just: D. 22 n. 14 in fin. 1 § 6 n. 12. . 6, et Cov. ap. de Matr. 1. 4 D. 17 n. 2. 1 § 6 n. 12, et . 6.

However, they more truly deny it, as was stated above with the common

authority. Pont. 1. 3 c. 18 n. 2. 1 p. 12 n. 1. . cc. 1. c. n. 3, cum D. Bonav. Soto, Palud. Arniz.

Ara. et Alis communissime, q. 47, art. 3, ubi: Coactio metus, quae cadit in constantem virum tollit matrimoniui, et non alii. Reason, because marriage contracted out of fear of light weight is neither null according to natural law nor according to positive law; not according to natural law, because it is not a contract formed against the will of those who were not willing to enter into it by reason of slight fear. Dub. II.

On Marital Impediments. It was a light obstacle, which could easily be repelled: see what is said in no. 748. Nor from positive law, for this reason (as is evident from c. Veniens 2 de et merito, namely otherwise, if they were still dissolved out of a slight fear, innumerable marriages would be dissolved). Doth... 7. Whether a reverential fear suffice to dissolve a Marriage?

A reverential fear is that whereby one dares not resist him to whom one is subject, namely, father, mother, grandfather, father-in-law, husband, king, Lord, prelate, tutor, and guardian, as commonly teach the Doctors cum glossa n. 24. Furthermore, if a presumptive uncle or elder brother, or a senior brother, should entertain a reverential fear towards them and receive nourishment from them; c. 10 num. 85, with what follows. But as for the doubt arising therefrom, the first opinion, held by Abbots 1. c. n. 3., argues that pure reverential fear, if it is the principal cause of Marriage, should be disturbed thereby. Reason, because fear, without which Marriage would not be formed, now renders consent free. The second opinion, which is common and accepted, they hold in 1 c. 17 dub. 6.

Value. Mol. et Reb. ac Con. This rotation is expressed in 1. Interposed actions, according to the Decretals: Not every kind of fear is sufficient for dissolving those things which have been concluded by consent, but one must prove such a fear as entails peril to salvation or bodily torture.

Moreover, it is well said in Pontificale 1:4 c.5 n.4 that if a Confessor is chosen as a supplement, he can be sufficiently confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period should, given its odious and strict nature, be interpreted concerning an ordinary election rather than an extraordinary one; which means that a pure reverential fear without apprehension of any other serious harm is not terror but reverence, which does not bring about any fear of some evil, but only a certain blush, which truly comes not from outside but from within. Doubt. 8. By dissolution of marriage through mutual consent, is it possible to

resume the marriage contract without impediment, has He decreed? The first proposition affirms, and furthermore Busenb. as stated above. . 4 D. 1 5 n. 5 with Soto, Henr.

Man. Art. . 2 p. 1 2 n. 2, cum Hurt. Ochag. . Dianap. 3 t r. 4 R. 2 2 9, et probabilem putat Bon. p. 8 n. 3 3. Reason: in a matrimonial contract, one is bound to remain faithful while the other remains free; furthermore, he who initiates the dissolution of the marriage through the question of the contract must be restrained from leaving the marriage intact without an injury inflicted by way of injury; neither through the dissolution of the contract, because no obligation arises from nothing in a contract; nor on account of an injury, because such an injury is not considered serious enough so that it cannot be remedied through marriage.

According to the true sentiment, it denies that proposition and rejects it. Bon. 1, c. Pont. 1. 4 c. 1. 5 n. 3, cum Coninck, et. 9 n. 1 7, cum Avers Henriq. ... etc. Ratio, quianemodebet ex suocrimine commodum reportare. This same sentence agrees with the aforementioned one most reasonably. Propositiun I. de eo quid uxi etc., ubi cum quidam conjugatus aliàm uxorem duxerit; insciamprioris Matrimonii, Martia... deinde prima uxore, Pontifex decrevit, virum tenèristare secundo Matrimonio, is imuliervoluerit, hanc rationem adducens: Necdignum est ut predictus vir lucrum suodolor reportet.

It is no impediment to say that the affection was given out of pity and not out of fear; for indeed. It is permissible according to legal right; pain and fear are equated. But the fault lies in the law of contract. D. 2 2 n. 1 1 9 v.

Fourthly, because an injury is more to be condemned when it is feared than when it is caused; hence what is merely threatened by a legal text ought rather and above all to be avoided out of fear. Hence it comes that although he who wounds and strikes does not remain bound by the contract, nevertheless he remains bound by reason of injury. Both opinions are probable, but this second one seems more probable, though it cannot be proved; if so, Chapter III. Dub.

II. On Objections to Marriage. 6i When the Church imposes a fear of shame for cohabitation, such a grave inconvenience is not remediable except through genuine Marriage, and all the more so if the party fearing shame has been a woman, who otherwise, upon dissolution of Marriage, would always remain noted with some infamy. And this is in agreement with what is presumptuously asserted in the cited chapter, where it is stated that said first sentence should have place only when injury could be otherwise remedied. It is said VIII.

Order, scilicet sacer; sive major, 1058» quem qui non coactus suscepit, invalide Matrimonium contrahit, ut vide supra de Sacramentis ordinis, et hic Impedimento tertio. It is certain that the Sacred Order extinguishes Matrimony, as stated in the decree of Diaconus and in the decree of Litterarum. He of Old concerning Vow. But it is doubted whether the Sacred Order deprives Marriage of validity according to divine law or ecclesiastical law?

The first opinion, which the Major holds, I. 7 D. 28 n. 9, states that it is annulled divinely, because in c. un. de Voto in VI vow solemnly equates the profession of the Sacred Order to religious profession, which from divine law already invalidates marriage, according to the more probable opinion that we held. n. 1025. The second however, opinion which is more common and probable teaches, that it be impeded de jure Ecclesiastico; thus in III, q. 37, a. 1, it stands: But if a Confessor shall be chosen as supplement, he can well be confirmed by another three years after the time of supplement, because the prohibition against not choosing a Confessor beyond three years, being odious and strict, is to be understood de electione ordinaria and not extraordinaria. (Ordo) impediat Matrimonium ex constitutione Ecclesiae habet, Bellarm. 1. 1 de Pont. I. 7 c. 22 p. 4 n. 5 et Perez, ac c. n. r2 cum S. ergo Ordo dirimit tantum ratione voluntatis castitatis; votum autem non dirimere Matrimonium, quia qua votum, quia votum tantum impedit Matrimonium sed qua solemne; at solemnitas est solum ex jure Ecclesiastico; ideo igitur ex jure Ecclesiastico Ordo dirimit Matrimonium. And therefore, the Pope can dispense with those who are ordained in the Sacraments, but not with priests, according to what is stated in nos. 807 and 808. Although it has been permitted to Ranimiro the Priest to profess Religion, so that he might diligently propagate the prosapia of Aragon by means of printed books.

How however shall the solemn vow of the Clerics dissolve Marriage? See the aforementioned from no. 808. It is said IX. Ligamen, propter si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria., quamdiù « quis ligatus est eonjugi adhuc viventi, invalide » contrahit cum alio, quamquam licite, et sine pec- cato, si moraliter sit certus de morte conjugis: qui « si postea compareat, tenetur ad eumdem redire; dimisso posteriori. »

See) * » It is said X. Honestas, hoc est justitia publicae honestatis, ob quam nemo potest contrahere cum consanguineis illius, quacum contraxit sponsalia vel matrimonium ratum. And indeed before the Council of Trent-

» it is said, and by ancient law, this impediment dissolves » the marriage between the groom and consanguines of the bride up to the fourth degree, arising from any presumed invalid engagement (excepting only on account of lack of consent); whereas according to new law, Tridentine, if the engagements are invalid, it does not arise above the first degree, and if from engagements it extends only to the first degree: but if from a marriage subsequently contracted it extends up to the fourth degree. * (Praesumptum ex Matrimonio rato nullo (nisi nullitas sit ex defectu consensus) oritur impedimentum Publicae Honestatis usque ad quartum gradum, ut notat Croix 1. 6 p. 3 n. 681 et P. Zacharia ibidem ex mente S. C. et . 7 d. 68.

It is noted that a presumptuous impediment arises; * (Nor from uncertain espousals, as is held in c. un. de Spons. In VI, incerta autem sponsalia sunt, si v.g. fuerint contracta cum persona incerta, puta cum una ex filiabus Petri; neque ex conditionatis, donec conditio sit impleta, p. 9 t. 6. R. 52. from Optatus * (Thus 1.7.)* D. 69 n. 1 et Bon- et comm.

And certain is it from the Declamation. Bonifacio VIII. in ap- » 2, p. 179, ubi dictum est: Qui sponsalia cum aliqua muliere sub conditione contraxit, si postmodum ante conditionis eventum cum alia prioris consanguinea per verba contraxerit de praesenti, cum secunda remanere debebit); tamen oriri potest a matrimonio invalido (nisi sit tale ob defectum consensus, p. 9, tit. 6. R. 50.), ex declaratione S. Pii V atque etiam praesumptum ex clandestino, ibid. R. 53 ex Pontificali et Prefatione. Breviter discutiamus quaestiones auctore hinc vix enuntiata 106.

Question Nonewhether there arises an impediment of public honor from a null marriage? It must be noted beforehand that if a Confessor is chosen for supplementation, it can be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood as referring to ordinary election rather than extraordinary. Therefore, if nullity arises from some other reason than a defect of consent, it will certainly arise from a void marriage, since in this there is least correction of ancient Tridentine law, as they say. D. 70 n. 5. Pontificalium 7 caput 35 n. 3 et 5; p. 10 n. 5 et 10; dubium est, si nullitas detur impedimentum ex defectu consensui?

Asserting 7. Henr., et Leand. ap Et pariter dicunt isti oriri impedimentum ex sponsalibus nullis ob quemcumque defectum occultum, si contra in foro externo sint valida: quia ut ajunt hoc impedimentum introductum est ab Ecclesia ad evitandam indecentiam, quæ jam apparet, si publicè sponsalia haberentur ut valida. But Bon. p. 11 n. 3. Cont. n. 85 cum Dic. etc.

probabiliaùs dicunt et ex Matrimonio nullo ex defectu consentì, ex sponsalibus ex quocumque defectu (præcisè consentì) nullis, nullum oriri impedimentum.

For as regards spousal contracts, the Council of Trent indistinctly said that any spousal contract, if invalid for any reason, will suffice to constitute an impediment; if a Confessor is chosen for supplementation, it can be well confirmed by another three years after the time of supplementation, because the prohibition regarding not choosing a Confessor beyond a three-year period, being odious and strict, must be interpreted with reference to ordinary elections and not extraordinary ones. This applies whether the defect was public or secret. Concerning Marriage, however, in c. 1 de spons. in 6 sancitum was the general presumption, that from a null marriage through defect of consent no impediment arises. And thus confirmed by the Holy Congregation. Cardinals testify, No. 85, 1063. Question 2.

Whether an impediment arises from those dissolved by mutual consent in betrothal, or from any other just cause? They deny that a impediment arises from those matrimonial contracts mutually dissolved by consent or from any other just cause, according to the Pontifical 1.7 c.35 h.g., with Hurt. Gutti: et C. in quo dicitur, esse falsum dictum, quod soluta sponsalia de consensu fuerint invalida. But more truly is it affirmed, 7 D. 78 n. 20 et 330 n:5 et Bon., and thus altogether must it be held (rightly does Croix say 1 6 p. 3 n. 683) according to the Declaration of S. C. approved m ab die 6 n. i307, where the Pontiff prohibited that henceforth this resolution might be called into doubt.

And the reason is because in [3] it is stated that if a Confessor is chosen for supplementation, he can be sufficiently confirmed by another three years after the time of supplementation, since the prohibition against choosing a Confessor beyond three years, being odious and strict as it is on account of ordinary election rather than extraordinary, does not prevent this confirmation. For valid sponsals dissolve marriage up to the first degree: hence, since from valid sponsals there has arisen an impediment, this can no longer be removed by the will of the sponsors or any other supervening cause. 1064 Ques. 3 whether this impediment is induced from a null marriage, if it happens that a Confessor is chosen for supplementation, and he can be sufficiently confirmed by another three years after the time of supplementation, since the prohibition against choosing a Confessor beyond three years, being odious and strict as it is on account of ordinary election rather than extraordinary, does not prevent this confirmation. For valid sponsals dissolve marriage up to the first degree: hence, since from valid sponsals there has arisen an impediment,

this can no longer be removed by the will of the sponsors or any other supervening cause. 1064 Ques. 3 whether this impediment is induced from a null marriage, if it happens that a Confessor is chosen for supplementation, and he can be sufficiently confirmed by another three years after the time of supplementation, since the prohibition against choosing a Confessor beyond three years, being odious and strict as it is on account of ordinary election rather than extraordinary, does not prevent this confirmation. For valid sponsals dissolve marriage up to the first degree: hence, since from valid sponsals there has arisen an impediment, this can no longer be removed by the will of the sponsors or any other supervening cause. The first opinion denies this, and those hold this view: 7 D. 70 n. 13 with Palud. c. 12 n. 84, for they consider it probable that (as they say) Bonifacius holds it. VIII. In c. 4 et 8 de spons. definivit, non o.iri impedimentum Publicae Honestatis ex Matrimonio nullo defectu consentì; tale autem Matrimonium clandestinum dicunt vere ex defectu consentì esse nullum, cum careat eo consentì, quem exigit Ecclesia; ergo non parit impedimentum. The second, however, more probable opinion affirms this, and to it Pius I holds in chapter thirty-six, note five, part one, volume seven; and Pope Innocent IV in book four, chapter three, part four.

Give. II. On Impediments to Marriage. 65 and 86: since the reason is from the ancient law according to the dictum c. unio de spons. in 6 (if a confessor be chosen for supplement, it can be well confirmed by another triennium after the time of supplement, because the prohibition against not choosing a confessor beyond three years, as odious and strict as it is regarded concerning ordinary election, not extraordinary, that now prevails, according to the decree of St. Pius). V. ap. [ ] seulement de mariage nul directement à cause de défaut de consentement, non pas d'autre cause d'impédiment excusé.

And thus declared St. I. c. ex. Gall. u. 3 ad ess. 4. Pius V., in regard to this Decree, considered that the Congregation had arisen as an impediment Publici: Honestatis ex spons. satibus per verba de praesenti praesumptum nulliter contractis, omissi formam decreti 24 c. 1 nempe clandestine sine Parocho et testibus. Hic notandum est: si quis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria.

Matrimonium ratum invalidum non inducat impedimentum in praejudicium priorum sponsalium. Wherefore if any one after valid betrothal with one, takes his sister in marriage before having anything with the second, he may and is bound to contract with the first, since the

Marriage will be null: "It is said XI." Acts; nam ad valorem matrimonii secundum jus Ecclesiastice requiritur annum virgis XVI, et feminis XII completus, nisi tamen malitia aetatem supplet, hoc est adsit et doli capacitas, et potentia de quibus judicare prudentialium est. It is certain that if a Confessor be chosen for supplementation, he may be well confirmed by another triennium after the time of supplementation, because the prohibition of not choosing a Confessor beyond a triennium is to be understood with abhorrence and strictness in regard to ordinary election, but not extraordinary. For if a Confessor be chosen for supplementation, he may be well confirmed by another triennium after the time of supplementation, because the prohibition of not choosing a Confessor beyond a triennium is to be understood with abhorrence and strictness in regard to ordinary election, but not extraordinary.

Marriage of minors per se is null, as it is stated in canon 6. 10 and 14 de Despons. Impub.. And this is true even if few days are necessary to reach the age of puberty; as commonly taught by Sanoh. 1. 7. Pontificalis 1. 7 capitulum 65 nomen 1. pagina 14 sectio 4 numerus 1. Escob. 1. 27 n. 525 and others (against few), as clearly proved from dict. c. 2 et c. 11.

According to the same titles: Until he completes his tenth year and a quarter, let him wait. Before this prescribed age is reached, common is it to say that Marriage is not nullum de jure naturae, but only Ecclesiastico; if a confessor be chosen for supplement, it may well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a confessor beyond a triennium is so odious, strict and to be acceded to in ordinary election, not in extraordinary. For if a confessor be chosen for supplement, it may well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a confessor beyond a triennium is so odious, strict and to be acceded to in ordinary election, not in extraordinary. Pont., . et . c. ac alii passim. However, the Canons say that Matrimony must be valid if malitia suppleat ætalem, as is stated in c. De illis 9 and c. Pubere eod. tit., where it says: A person is considered a caetum or puber who shows corporeal maturity by habit, and is now capable of generating. However, according to 1. 7 D. 104 num., 21 with the Abb., it is taught that . Sylv.

Son of Augustus. Cov. Henricus etc., ibid., n. 20, sed insuper requirit discretionem ad intelligentiam vim consensus conjugalis; cum enim tale vinculum sit perpetuum, perfectus exigitur consentiens, ut mittitur ex c. fin. de Desp. Impub.. where this malice: wisdom is now called prudence; but many assign DD signs from which it may be inferred that impubes can bear children, namely: if a boy has already had copulation, or if he is already apt for seminal emission, or if a girl has already had a menstrual

flow.

These signs, however, are not admitted unless the Spouses be proximate to puberty, as contained in the aforementioned chapter; see Sanch, n. 30. In quânnam autem aetate quis dicendus sit pubertati proximus, alii apud I c. si desit annus; v.g. si puella jam concepit, iniquum esset eos separare. Added the same Tourn. 1. c. v. This, when the Impub.. prohibits the marriage of minors therein, except perhaps in the case of some urgent necessity intervening, so that such a union might be tolerated for the good of peace.

Here is enquired whether if one has reached the full age of puberty, a boy 167 would not be able to contract matrimony; there would be no marriage? They affirm: Abb. and Veræcr. according to 7 D. 104 n. 14, that if a Confessor is chosen for supplementation, he can be confirmed by another three years after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, insofar as it is odious and strict, should be understood regarding ordinary rather than extraordinary election; thus, if a Confessor is chosen for supplementation, he can be confirmed by another three years after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, insofar as it is odious and strict, should be understood regarding ordinary rather than extraordinary election. In the chapter on Puberes, concerning Desponsio. Impub... are called Cap. III. Doubt.

II. On Obstacles to Marriage.. 69 ii being minors who can procreate; therefore (they infer) those who cannot procreate are rather minors and inept for marriage. Generally however they deny it. 3 p. 14 § 4 n. 5. Escobar 1:27 n.541 c. n.15 cum Cov., licet dispositum sit in praefato et aliis textibus, valere matrimonium inter impuberes si habeant potentiam generandi; tamen nullius juris habetur matrimonium esse nullum inter pubes, si careant potentia generandi; tum enim impotentialitas potius judicanda est temporalis; unde dicunt aliqui hoc dandum esse biennio vel triennio ad experimentandum; sed commune censent Pontificale 1:7 c.65 n.1 num.18 cum dabilem de Frigido et maleficio, illa enim procedit quando impotentialitas provenit ex frigiditate vel alio impedimento non vero quandò potest ex imbecillitate aetatis.

Marriage however of the elderly, even though decrepit, is valid, provided they at least have the capacity to undergo a conjugal union through medical art; in this way commonly. 6 D. 92 n. 19 et 20 et 126 cum. Accordingly to be said (contrary to ... and it is said in XII. Affinis. Affinitas vero est nata ex copula carnali propinquis personarum, sive licita, sive illicita.

Both, at least by ecclesiastical law, extinguish Matrimony: the former up to the fourth degree inclusively, this up to the second degree according to the new law. And verily, si antecedat Matrimonium, nam si superveniat, v.g. si Titius cognoscat uxoris suæ cognatanam in secundo gradu, non dirimit; licet is qui peccavit non possit petere debitum sed tantùm reddere gradus et lineae affinitatis accipiuntur congruent in consanguinitate ita ut qui est uxoris consanguineus in praemo gradu sive rectæ sive transversæ lineae is si affinis mærito in eodem gradu lineae rectæ vel transversæ. Finally, every affinity which arises from affinity is abolished by the Council. The Lateran.

V. And thus it is resolved. 1. Whoever has fornicated with his brother's fiancée's sister, he cannot validly contract around the dispensation; in fact, neither can he do so with her cousin nor with her aunt or mother. * (Thus also held Sacred Congregation, as reported on page 6, paragraph 3, note 693, allowing the marriage.)

» between a stepson and a wife who was a daughter by affinity.) * If anyone again takes to himself the same sister after dispensation. The wife, does not need a new dispensation; see no. 1140. » 2. One may lead a reputed sister-in-law to marriage; for instance, two brothers can lead two sisters; but also a father and son can lead a mother and daughter. c. 3.

Titius potest successively lead Titia and Ber- » tam, who were wives of Cajus and Sempronius, respectively. » 4. Titius, qui duxerat sororem Cajì, potest post mortem Cajì, ejusque sororis, ducere Bertam uxorem. Cajì.

" hoc igitur impedimentum affinitatis tantùm contrahitur, quando vir habet rem cum consanguinea uxoris, vel uxor cum consanguineo viri; undè minimè contrahitur, si à consanguineis viri habeatur copula cum consanguineis uxoris, vel è converso." "Therefore, this impediment of affinity is violated only when a man has a relationship with the consanguineous wife, or a woman with the consanguineous husband; hence it is least violated when there is intercourse between the consanguines of the husband and those of the wife, or vice versa." Here it must be noted that if a Confessor is chosen as a supplement, he can be adequately confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years is, in its odiousness and strictness, understood regarding ordinary election, not extraordinary. According to ancient law, this impediment was extended even to the seventh degree, according to c. Nullo et c. Æqualiter 35 q. 3.

But subsequently restricted it to the fourth degree in c. Non debet, de Item ex Sic de impedimento affinitatis contracto antè Matri monium. After Marriage, however, if the Spouse rem ha- Cap. III. Doubt. II.

On Impediments to Marriage. 6g In a consanguineous relationship, or with the consanguineous relative of another spouse, then it contracts an impediment for petitioning, as commonly DD state in this manner, so that incest is with the consanguineous relatives of the spouse in the third or fourth degree, as it is found in c. Si quis id eoque qui cognovit, etc., where: If anyone knowingly fornicated with his niece, neither can he demand anything from his mother, nor indeed have a daughter as wife. Therefore, here is prescribed an impediment in the incestuous affinity degree. If a confessor is chosen for supplementation, he can be well confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a confessor beyond three years, insofar as it is odious and strict when regarding ordinary election, but not extraordinary, is understood to apply only up to the second degree; this is held from Deel. apud Boss. 1. 2 c. 5 num. 24 where it was said: SS. D. N. Gregor.

XIII. According to the opinion of the Congregation, by this Decree (namely, the Council proposed the third and fourth grades, therefore in all things). Questio. I. Ex sententia Congregationis dixit per hoc Decretum (idest Concilium sustulit tertium et quartum gradum, ergo in omnibus. A woman known to a consanguineous husband will be deprived of the right to petition not through grave coercion but of her own accord.

The first opinion affirms this, and this is held by the Pontiffs in lib. 10, cap. 17, n. 6 et lib. 9, D. 31, n. 4 cum Sylv. Rich. wherefore when a doubt arises whether one who communicates with someone out of fear will incur excommunication by doing so with an excommunicated person, Innoc. III. dixit: Licet metus attenuet culpam, quia tamen eam non prorsus excludit; cum pro nullo metu debeat quis mortale crimen incurrere, excommunicationis labe credimus nos inquinari. Neither does the interpretation of any individual avail to understand it as referring to a light fear; for the Pontiff clearly understands it as referring to presumptuous fear of a grave nature, when he says, "for no cause of fear whatsoever." The second opinion, which is more common and probable, denies this, and this view is held by the Bonists.

D. 4 p. 2 n. 5 cum . . and probable they consider . 5 tr. 10 p. 3 c. 1 n. 14. . 3 p. 4 § 6 num. 3. et Ant. à Spir. S. ac Sot. et: Nec obstat textus supra oppositus, quia (ut explicant AA. praefati cum Sot. apud Boss. l.c.) textus ille intelligitur loqui de metu incusso in contemptum excommunicationis,

nam extra contemptum metus gravis certe excusat a lege Ecclesiastica, et prae-sumptum ab excommunicatione; casu quo res, quae metu agitur, solo jure Ecclesiastico est prohibita: ut certum est apud omnes; vide dicenda de Cens. l. 7 n. 46. 1072 Question NoneII. Does ignorance excuse from incurring this impediment to marriage?

Here must be distinguished three kinds of ignorance: of the law, of fact, and of the penalty. Firstly, therefore, if there is ignorance of the law, namely, when a man accosts his consanguineous wife not knowing that human law prohibits it (1. g D. 32 n. 46), they say he thereby incur an impediment; and the same view is held by the Ratio (as they state), both because the obligation to a penalty does not arise from the knowledge of the offender, but from the will of the Legislator; and both because ignorance of fact excuses from punishment, whereas ignorance of law does not, as is contained in Reg. 13 juris in 6. More probable and more common is the teaching that he does not incur an impediment according to 77 art. 8. c. n. 47. Wigandt translated it in note 100 on page 16.

Note, and and Henry and Rex. Reason two is because, when a penalty has been imposed by human law, he who through ignorance contrives against it may justly be excused from his transgression, and thus presumptuously excused from the penalty; and so response is made to the first reason of the opposite sentence. The response is made to the second point: if a Confessor is chosen as a supplement, he can be well confirmed by another triennium after the time of the supplement, because the prohibition regarding not choosing a Confessor beyond a three-year period, inasmuch as it is odious and strict, is understood for ordinary election, not for extraordinary one. That rule runs only for external forum, not however for internal one. 1073 Secondarily, if there is ignorance of the fact, namely, if a man knows the ecclesiastical law prohibiting the petition of debt but does not know that the person to whom it relates is his consanguineous wife, then it is common opinion that he does not incur guilt. Cap. III. Dub.

II. On Impediments to Marriage. 71: impediment, as the poet says: 1. 9 D. 32 n. 47 (contrary to O. 3 p. 4 § 6 art. 3. Bon. 1. 10 c. 18 § 6 n. 9. Wigand tr. 16 n. 100 et Ratio, quia: cum privatio juris petendi sit poena incesti, ubi deest incestus culpa, cessat praesumpta poena.

And this must be said: even if the ignorance was gross, as commonly taught by presumption at sections 36 and 47: Pontif. 1. 10 c. 6 n. 10 et Bossuet. 1. c. n. 160. since the reason becomes apparent from the cited text, Si quis i de eo, etc., where this impediment is imposed only on one who sins knowingly, according to the words referred to in n. 1070. However, they receive number 162 with Diana, etc. (contrary to etc.),

unless ignorance be so gross that it seems a great presumption to ignore; such gross ignorance is equated to deceit according to 1. 3 §. Gen. ff. de Dolo, etc.; but whether affected ignorance excuses? See what is said regarding Censure 1. 7 n. 48. Thirdly, if there is almost ignorance, namely, if one has knowledge of the law and fact, but does not know the penalty of non-request, there is doubt whether this ignorance excuses?

The first opinion denies this, and those maintain it: 9 D. 32 n. 50. 30 and Croix 1. 6 p. 3 n. 376, with Point. and Avers. Reason, because this penalty has more the nature of an obstacle or disablement than of a punishment. The second opinion, however, sufficiently probable affirms this, and to this opinion adhere the Responsa 2. Wigandt translates 16 n. 100.

Note, 1 D. 1 p 17 n. 8. 7 c. 4 § 2 n. 3. eod. tit. n. 84, cum 5 R. 12, cum Con. et c. n. 21 et 50 et c. Ratio horum AA., quia cen-sent, hanc non esse meram inhabilitatem, sed veram pedeam in vindictam incestus; idque probant ex eo, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Si haec non esset poena, affinitas illa contrahe-retur, etiamsi incestus eveniret sine peccato, vel praesumptum-si haberetur coppula per vim et metum: sed hoc ipsi Adversarii negant. Nec obstat dicere: nullum poenam incurri sine sententia saltem declaratoria; sed nemo dict, ad hoc impedimentum incurrendum requiri sen- tentiam, ergo non est poena. But the respondent says: if some Confessor be chosen for the supplement, he can well be confirmed by another triennium after the time of the supplement; because the prohibition against electing a Confessor beyond three years is to be rigidly received in respect to ordinary election, not supplementary. For then a sentence would be required when the crime can easily be proved, and not when its proof is most difficult; so that, if a sentence were required, the punishment would thereby almost become useless, as some teach among Et and cum, where it is said that, since the probability of incurring a penalty for ignorance is very great, penalties should not be incurred by those who are ignorant. Ecclesiastical penalties imposed when they are extraordinary; namely those which by their very nature cannot even be foreseen in confusion, as they teach and Augustine says.

S. Dur.. l. c. n. 173. Hence it is sufficiently probable that ignorant persons do not incur this penalty, which certainly seems extraordinary, since per se it cannot be anticipated. U75 Question NoneIII. Is required a consanguinity to contract an affinity, so that the union may be consummated from both sides?

It is certain that semenation of a man is required; but moreover, it is required to presume semenation of a woman? They deny [or Negate] Pomponius, 1.9 c. 20 n. 1.4 p. 8 n. 3. Coëjix. 1. 6 p. 3 n. 606. . 7 c. 64 n. 21 c. 21 Arm. Table.

Henry Sylv. and Soto. Ratio; quia ad generationem non est necessarium semen feminem, juxta plurimorum sententiam relata mn qi 8 v. If however, according to the second opinion, a presumptively probable affirmation is made, and this are held by S. Lopez, ibid., and 3 ad 425 n. 227 cum c. 4 n. 5 with Sylv.

Traill and Durand. Moreover, Ratio, because, according to the opinion of many others, Chapter III. Bub.-I. On Hindrances to Marriage. 75 (see what was said at no. 918) presumptuous semen: semen is required for generation; furthermore, as this reasoning powerfully argues, affinity is not contracted unless those cohabiting become one flesh; but they do not become one flesh, unless seeds are mingled. And this opinion is greatly confirmed by the authority of St. Thomas: whose very words we have reported in no. 1036v.

Here however, where it explicitly teaches, it demands that both husband and wife provide seed, so that affinity may be contracted. Here they well advert: 8 D. 6 n. 18. Cross d. n. 696. et 427 n. 236, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. In dubio praesumendum sit pro sopula perfecta, quia ex communi- ter contingentibus haec prudenter adfusae praesomi-tur: quapropter si vir coierit et dubitet an semina- verit vel an intra vas, sopula praesumitur perfecta. And thus they say that the harvest is presumed to be perfect.

Diana; Krimer, et Gobat. apud: Croix, semper praesumiri seminationem praesumpta mulieris, quando ipsa in coitu magnam senserit voluptatem, esto seminationem non adverterit. Or meritized diet . c. cum Querit. IV. Who can dispense with this impediment?

Others say that only the Pontiff can dispense from this impediment, since this punishment was imposed by Him; thus. Covarr. Griff. et Matiens. in 8, c. 12, n. 10. Others say that a presumptuous Bishop can dispense, but only in cases of necessity, as Sylvat. and Margarita say in the same place.

Others, however, very commonly teach that the Bishop can always and absolutely dispense; thus Lcym. 1, 5 tr. io p. 3 c. 1 n. 15., 3 p. 4 § 6 n. 5. If a confessor is chosen as a supplement, it can be suitably confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, insofar as it is odious and strict, should be understood for an ordinary election and not for an extraordinary one; nevertheless, according to Pont., Wigandt tr. 16 n. 100 R. 3. Tib. 1. 7 c. 4 § 2 n. 3. . 426 n. 234 cum Attel.. 14 cum Henr. et . D. 12 n. 13 cum Palud.

Soto, Ratio, quia dato si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. The bishop could not do this by virtue of the law, yet he can do it by reason of custom. This faculty of dispensing, however, can be delegated to another, not only in particular matters, but even presumptively in general; see the said decree D. IV, n. 1125. Question.

Fourth. They also cannot be permitted to dispense all Confessors Regular and Mendicant, who have been delegated for this office by the Provincial, from this impediment, according to many privileges, namely those of Martin V. with declaration. July II as they say. 8. D. 16 n. 8. . 382 n. 71.

Pont. I. 8 c. 13 at the end, and even Candido (contrary to what is said from the Privilege of St. Pius V by way of divine oracle, as Wigand and Bossuet state there that chapter), but concerning the mendicants, whether, because of the privileges of vision, they should have the power to dispense in regard to the aforementioned impediment, they should receive a special license from their General or Provincial? Others say that no special license is required, because the said faculty is absolutely granted in the privileges conceded to the Benedictines and the Minorites. Others affirm, as in . 8.

D. 16 n. 3. . 4 p. ult. §. 1 n. 18, item . I. c quia (ut hi ajunt) in Privilegiis omnino requiritur deputatio a Provinciali. Others, however, as de la Croix says, indeed require permission from the Superior, but it is sufficient if a Confessor is chosen for supplementation; he can then be sufficiently confirmed through another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond a

triennium, inasmuch as it is odious and strict, should be understood regarding ordinary election and not extraordinary. This prohibition must be observed by the Abbot of the Monastery, because the privilege granted to the Vallisoletan Benedictines was conceded by Martin V and Julius II. Priori Monasterii 1077 Nota hic ultimo contrahentes scienter cum impedimento consanguinitatis vel affinitatis incurre excommunicationem ipsa facto, ut habetur in contrahentibus (qui insuper denunciandi sunt ex Edicto Inquis.

Generalis apud Po Cap. III. Doubt. I. On Objections to Marriage. (75- test. p. 329), and concerning laypeople marrying with nuns.

Since however this penalty is odious, rightly it is said Croix l. 6. p. 3 n. 807 with Pontius, that it should not be extended to other impediments. « It is said XIII. If clandestine: because "he desires severely to punish those who have transgressed against this, or presumptuously attended." » ## Wherefore resolves. To better understand the matter at hand, it must be noted in two ways that a Matrimony is clandestine: either when it is maliciously contracted without denunciation, and then it is illicit solely; or when it is contracted without the Parochial authority and witnesses, and then it must be distinguished. For if one Confessor is chosen as an addition, it can be well confirmed by another triennium after the time of the addition, because the prohibition against not choosing a Confessor beyond three years is so odious and strict that it must be understood concerning ordinary election, not extraordinary; thus, infidels or faithfuls who dwell in places of infidels, or where the Tridentine has not been received, such Matrimony indeed is valid, since the law at least for ten years not received does not oblige, as they say. 3.

D. 18 n. 1. Pontifical Lawbook, lib. 5, cap. 7, n. 1; cap. 8, n. 11, with Perez, Dic. avers. re fideles autem qui sunt in loco ubi receptum est Tridentinum Matrimonium esset nullum praesumptum in casu necessitatis ita communiter tres. D. 17 n. 4 Pont. l. 5 c. 6 n. 2. c. 8 n. 13 cum etc. communiter, contra Sot. et alios paucos; qui dixerunt posse aliquando dare casum (etsi rarum) in quo sine Parocho valeret Matrimonium.

But this is rightly said: not to be heard from them, because necessity cannot render competent those whom Trent declared absolutely incompetent, as may be seen in session 24, chapter 1. And this is the case, even if the Marriage was contracted with invincible ignorance; .cum communis. They nevertheless say Con. D. 27 d. 1 n. 11.

Cross l. 6 p. 3 n. 778 with Bellarmine and common opinion (against Lessius); likewise Vega, Tanner, Dictionary, and Veracius. According to

them. And they consider it probable on account of some Declaration. Clementis VIII apud Cominch, quia tunc vel non adest ibi Parochia; vel ibi non durat promulgatio Tridentini, quamvis facta fuerit; destructa enim Parochia, censetur destructa promulgatio si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria., quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. valorem. Likewise, a marriage celebrated without a parish priest in places occupied by infidels, by captives of the faithful, or by merchants residing there through temporary hospitality, is valid and licit.

Clementis VIII. apud Fagna, num in cap. Ad audiendam. 1088 Peregrini autem, si contrahant in loco, ubi Tridentinum est receptum, Matrimonium sinè Parochiae et testibus est nullum; quia praesumptum Peregrini obligatur legibus locorum, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria; quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. contractus; ita communi ter Sauch. 1. 3. D. 18 n. 26 Pontius 1. 5 c. 8 n. 1. e. fin. de Foro compet; ubi dicitur in contractibus servandas esse leges et consuetudines locorum; si vero quis se transferret ad locus vel illac transiret, ubi Tridentinum non est receptum, et ibi contraheret sine Parochio et testibus, nullum est matrimonium; secus autem si in illum locum vere transferret domiciliorum, quamvis cum animo ibi contrahendi sine Parochio et testibus; ita declaratum fuit a S. C. die 14 Augusti 1627. et haec declaratio (quidquid dicant 6 n. 712 et alia, cum ipsa fuerit approbata ab Urb). VIII. for the whole Church, while this was stated: By whatever judges thus I should be defined. And the Decree of Urban was again confirmed by Benedict.

XIV. in Epistola paucis abhinc hebdomadis edita die undecimo Martii anno MDCCCLVIII ubi Decretum confirmatum est à Benedicto. Urban refers extensively; see in tom. 4 pag. 27 edit. Venet. Chapter III.

Dub. Two. On Marriage Impediments. 77 § 1. By parish priest is meant he who possesses sacerdotal jurisdiction over those contracting marriage,

inasmuch as they have domicile and residence within his parish; (by the common name of parish priest it is understood the parish of domicile, not of origin; thus.)

D. 23 n. 7. Pont. 1. 5 6. 13 §. 1 n. 2. XIV. Perez, etc., from the Decree 5.

Chapter 18. Nov. 1707)* item Bishop, » or his Vicar in his diocese, (As D. » 28 n. 18. Pont. I 5 c. 11 n. 1 c. 8 n. 55 with others (against some) from the chapter of Rome on in 6. And this even if the Bishop his Vicar prohibits this according to Decree S. C., as is referred to by P. Zacharia apud Croix 1. 6 p. 3 n. 725.

For a bishop cannot prohibit either his parishioner, nor his vicar from assisting at marriage, as the Sacred Congregation declared apud Croix ibid. (Likewise it is said regarding the Vicar of the vacant See and Abbots who have jurisdiction quasi episcopal; even the Pope: likewise a chapter in a vacant see, cardinals in their titular churches, legates in their province; suffice a presumptively excommunicated person or one not a priest*. In the year wherein he is to receive priesthood, according to c. Cum ex eo de Elect. in 6.) Therefore is it not only validly, but also presumptuously, that he assisteret, according to c. 3, c. 20, n. 3. Pontifical 1. 5 c. 17 n. 1. c. 8 n. 40 et 45 cum Aversa, Gabr. et Leand. contra paucos; atque Decreto S. C. apud diem 12 Martii 1693. And this, having been presumptuously transacted in a year, according to another decree of the Sacred Congregation on March 12, 1583, at the parish, by one who is able to assist, can presume to give a license for assisting another Priest, as is contained in the Present parish priest, or another Priest from the same parish or from the Ordinary.

Item htc notandum, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Paro- chus possit assistere nuptis sui Parochiani, praesumptum extrd Parochiam et adhuc contradicente Parocho il- lius loci, ut scribit Fagn. l. 4 in c. Si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Quod si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia

prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. nobis, de 8 Lib. VI. Tract. Sixth.

On Marriage. "Clandestine." C.) Nec est requiritum, ut à parte rei vere sit parochus; sed sufficit, si habeat titulum saltem colatum, ita ut communi errore habeatur parochus, nec sit intrusus absque ullo titulo. V. Nec requiritur, ut à parte rei verè sit Parochus, sed sufficit, si habeat titulum saltèm colatus, ità ut communi errore habeatur Parochus, nec sit intrusus absque ullo titulo.

It is asked whether an error among the people suffices instead of a title? See what is said on this at book 6 note 572 verse. Greater doubt. * » 1082 Therefore, if a parish priest is excommunicated, even though he be abhorrent, illicit, and suspended, he validly assists at Marriage, because there he exercises no jurisdiction, but only assists as a qualified witness who can bear witness to the Marriage; thus commonly understood. 3. Doctor 21 number 4.

Pont. 1. 5 c. 17 n. 6. . 46 cum Aversa et Henr. (contra paucos). Et idem ait Fagn. l. 5 in c., si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. Quod si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. à praedecessore, de Schis- mat. n. 81 cum Decreto S. C. Sed dubit. i. Whether an excommunionted parish priest should be avoided by attending gravely? Coninck affirms it in D. 27 c. 2 n. 24. Pontificalium Liber quintus caput 17 nota 11 cum Covarruvia.

D. 11 sect. i n. 24 ac Vasq. c. 5 n. 90: quando nondum adsit necessitas, quia alioquin communicaret cum aliis in re sacra et gravi. They indeed deny. 3. D. 21 n. 8. Master. loc. cit. et Hurt.

Diana, Villal. c. 8 n. 48. (quorum aliqui tenent eum nec etiam leviter peccare). Ratio, quia communicaret cum suis Parochianis in re necessaria ad utilitatem eorum, quam ex officio eis tenetur prestare. Nevertheless, this notwithstanding, the first opinion is more agreeable to me, according to what was written in the treatise on the Sacraments in its general chapter number 88, where we stated that it is not permitted for Parochians to seek assistance at Matrimony from an excommunicated Parish Priest, unless a gravest cause urge them to do so, and another be not present who

can supply their needs. All converge however, si quis Confessarius eligatur pro supplemento bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta ac- cipienda est de electione ordinaria, non extraordinaria. Si talis Parochus à suo Episcopo justè fuerit interdictus ab assistendo tunc validè assistéret sed à culpa gravi non excusaretur quia violaret præceptum Superioris in re gravi; n. 49 cum Bon. etc. Dubit. 2. An Parochus excommunicatus aut irregu-104 laris possit alteri Sacerdoti dare licentiam assistendi?

They affirm. 3. D. 21 n. 8. l. 5. c. 17 n. 14. cum Cajet. et apud c. n. 50., quia licet assistere non sit actus jurisdictionis, tali tenement est dare licentiam. But wisely he responds: assigned to the Matrimonial power by Tridentine decree another to be substituted in case of need; hence the first opinion seems more probable. « 1. Parochus, vel quivis habens jurisdictionem ordinariam, potest alium sibi substituere, non tamen nisi Sacerdotem.

He, however, responds wisely: "designated for marriage by Trent with authority to substitute another; hence the first opinion seems more probable." « When required witnesses are insufficient in number, ten should be greater than every exception; hence presumed infamy suffices for men, women, boys having the sufficient use of reason, parents, domestics, and servants (presumed faithful, even if they happen to pass by, or be detained by force: thus . 3. D. 45 n. 5. . 8 n. 59 cum » 4. If two are Parishes of the same Parish, either may be assumed to assume * (a presumptively unwilling one; etc.). Similarly, he who has two domiciles, each of which he inhabits equally; or a house, part of which pertains to the said Parish, and part to another, can sue either; because both are proper Parishes. c. et .

"If spouses have two residences in two parishes, they say S: Anton." Mire. August 1, 3. Divisio 24 nota 4.

Marriage is to be contracted in that parish where those persons then reside. But very commonly and with great probability they say: c, n. 5. R. 1 cum comm. Bar. c. 8 n. 32 cum Perez: Matrimonyium posse contrahiri in alterutra Parochia, salvo quod in utraque Sponsi habeant æqualis habitatio; quia tunc in alterutra possunt recipere Sacramenta.

This is confirmed from c. 2 de Sepult. in 6, where it is said: When placing himself equally in both places for one who has two domiciles, he chooses a third place for burial. The portions of the churches' domiciles shall divide the Canonical portion among themselves. Therefore, an actual reason is

not to be sought, but only one of equal residence. This equality, however, is to be understood morally, as Lugo states in his Responsa Moral. 1, 1 dub. 37 n. 3, c. n. 3 with St. Anthony and Palud. That is said by Bossius 1. cit., with note that if a Confessor is chosen for the purpose of supplementing, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary.

SC [Sanctio Concilii] according to Benedictus. XIV. Notif. 33 n. 7 ubi dicitur: Parochum ruralem esse non proprium, quando rus iur causd recreationis, vel pro rusticanis negotiis; et idem Matrimonium validè coram hujusmodi Parocho celebrari non posse. However, it is rightly understood thus: 32 u. 66. t. 8 n. 26 cum ... and Garc.

The Sacred Congregation rejects Pontius, who in book 5, chapter 15, §11, n. 4, considers it permissible to contract a presumptuous marriage before a parish priest in whose parish one resides briefly. Furthermore, this ought above all to be diligently noted: if any Confessor is chosen as a supplement, it may well be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period, inasmuch as it is odious and strict, must be understood concerning ordinary election, not extraordinary; for should anyone fictitiously transfer his domicile to another parish that he might be chosen as a supplement, it may well be confirmed by another three years after the time of the supplement. Marriage is contracted, this being null, as the Sacred Congregation has declared plurally; see P. 6 p. 3 n. 717. Afterwards, if he truly transfers, then cesti in fraudem according to Chapter III.

Dub. II. On Objections to Marriage. 81 prioris parochi, ut rectè ait Croix ibidem, cum et » 5. Although the parish priest should be employed for the celebration of that marriage taking place in his parish according to the precept; nevertheless, it suffices for the worthiness if another pastor assists, as the Congregation declared.

Cardinal. ap. 18* (Ità comm. . 3. D. 23 n. 4. Pontif. 1:5 c. » 16 n. 2. Good question, book 2, page 8, note 7, and XIV from the Decree.

S. C. an.: 573. And another similar one is brought forth: Fagnan. lib. 4 in c. Si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Nos, de Dec. 1574, ubi approbante

Papa fuit decisum valere Matrimonium in Parochia mulieris coram Parocho viri, et è converso. Praesumptum extra suam Parochiam, vel diecesim; quia hic actus non est jurisdictionis contentiosae. Et in hoc neque Parochus peccaret, ut dicunt. 3. D. 19 n. 17. c. 4 n. 32 cum et (contra Pont., actus enim assistendi probabiliùs neque est actus jurisdictionis, sed potiùs potestatis assistendi ut testis, uti diximus n. 1084. Dub. 2.

Otherwise says Bossius n. 20 in fine. If any confessor be chosen for supplementation, it may well be confirmed by another three years after the time of the supplement, because the prohibition concerning not choosing a confessor beyond three years is to be strictly and odiously received in the case of ordinary election, but not extraordinary. Which if any confessor be chosen for supplementation, it may well be confirmed by another three years after the time of the supplement, because the prohibition concerning not choosing a confessor beyond three years is to be strictly and odiously received in the case of ordinary election, but not extraordinary; which assists the parish priest at the sponsal, in whose parish the nuptials are made. Correctly they say n. 33 ex Decr. "The Sacred Congregation [allotted] by the same [document]. 3."

Disputation 19. Six. Whoever is substituted should have either an expressed or at least a tacit permission by ratification of the present, because the ratification of the future does not suffice for one who thinks that another will be reckoned as ratified later. 6 32 Lib. VI.

Treatise. VI. On Marriage. Chapter 39. Controversy Number 11.

» Ita etiam 35 n. 20. Pontifical law, book 1, chapter 11, number 1, with Concordance and : page 1089, number 7. Itinerant beggars can contract in the presence of any parish priest; and even if one or both are merely itinerants, he is bound to diligently inquire about their condition, as it is admonished, and then petition for permission from the Bishop to assist: although such assistance might be efficacious, yet it should be performed with gravity. Thus 3.

It is common, if a Confessor is chosen as a supplement, that he can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is to be strictly and odiously understood in the case of ordinary election, not extraordinary. For if a Confessor is chosen as a supplement, he can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is to be strictly and odiously understood in

the case of ordinary election, not extraordinary. Vagrants may contract with any Parochial Priest; ità . 3 D. 25 n. 11 Pont. l. 5 c. 14 n. 5. D. 2, p. 13, § 9, n. 11 et 37 cum Con. Henry [cum aliis]; idque .

The parochial priest, however, before he unites the vagabonds, is bound to diligently inquire about their condition (as Tridentine law prescribes), whether they are already united elsewhere: And then, having obtained permission from the Bishop to assist, he gravely sins by assisting, for Henry and canon law teach this, together with Fillastre. Molf. Inquired. General edited August 21, 1670 before Clement.

X. regarding Roman curiae, as concerns ordinaries' parishes (as is extensive in Genetlus t. 5 p. 326 and Pitton. de Matr. n. 1737), thus it was prescribed: If the contracting parties are vagi [vagabonds], permission to contract matrimony shall not be granted, unless they can demonstrate freedom through the faith of their ordinaries, preserving the form. Session 24. Fides alia – quæ documenta non admittantur, nisi munita Sigillo, et legalitate Episcopi Ordinari, et recognita saltem per. Chap. III.

Doubt. Two. On Hindrances to Marriage. 85 witnesses who have a mark of hand and Seal. If it is considered, if a Confessor be elected for supplementation, he can be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against electing a Confessor beyond a triennium, inasmuch as it is odious, strict, and to be received as such regarding ordinary election, not extraordinary one, faith and testimonies will well identify the persons concerning whom we speak.

It is noted concerning aliens, as mentioned in the same Instruction of the Sacred Inquisition as above (n. 1739 according to Pitton), if a Confessor be chosen for supplementation, he may well be confirmed through another three-year period after the time of supplementation, since the prohibition against not choosing a Confessor beyond a three-year term is, insofar as it is odious and strict, to be understood of ordinary election, not extraordinary. The parish priest cannot publish anything on their behalf, unless authorized by the Ordinary, from whom or his Vicar, prior receipt of authentic faith in the status of freedom has been received. Verily indeed he should properly receive . c. and furthermore concerning the Soldiers this must be noted from the Decree. S. C. 1090 Besides what has been said, reference is made to the declaration by the Sacred Congregation of Peter Zacharia at Croix 1:6 p. 3 n. 751.

The chapel itself nor presumptuously to be able to minister the Sacraments of Penance, Eucharist, and Extreme Unction to soldiers stationed in garrisons without Papal faculty, or permission of the local Ordinary.

However, the marriages of soldiers should be contracted in the same manner as it is said concerning virgins, as is found in the cited text. Instructione Ubi tamen additur, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. tem- pore necessitatis, vel in articulo mortis non sint ser- vandae eadem probationes; sed si convaluerint, de- beant fieri, antequam Matrimonium consummment. See the rest regarding Military Marriages among them.

Pilgrims who on account of a slight absence from their home 1091 cannot be, when abroad, contracting matrimony before the Parochial Priest: because it is not their true [matrimony]. Another thing is concerning those who establish a residence elsewhere for the greater part of the year, or went there intending to remain, at least for a greater part of the year, although subsequently they may be suddenly compelled to leave, e.g., servants, maidservants, students. Good Question. 8th part 1 number 2. The reason is because they contract there a parochial domicile; and the pastor of that place is their proper one.

What if someone were to transfer his intention otherwise, remaining there for the greater part of the year with the intent to stay, and later returning to his own domicile? May he contract Marriage before the Pastor of that place and receive other Sacraments? They deny it, Rodrigo and others at 3 D. 23 num. 11, and Palao thinks this to be sufficiently probable. But more commonly and more probable they affirm with Busemb. c. 8 n. 30, with Con. where those who on account of the cause of war transfer themselves to another Parish are considered as belonging to that Parish's clergy. And it is confirmed from the Declared text.

Holy See among Bened. XIV. see what has been said concerning this matter here. And thus equally aliens detained in prisons cannot there contract from another Declaration. The Sacred Congregation published in the year 1707, at the same place where it is mentioned under No. 17, from a certain Epistle.

The same is said by the Sacred Office regarding those who are cured in hospitals: unless necessity urge to contract and there be no opportunity for testing the state of freedom; yet even if they have recovered, they cannot consummate marriage, unless it be established that both parties are free. Daughters exposed, who dwell in orphanages, should contract Matrimony not before the Chaplain thereof, but before the Parish Priest of the place, ex Decl. S. C. 22 Aprilis 1651, Cap. III. Doubt.

II. On Objections to Marriage. 85 according to him, Benedict n. 14 who adds that by ancient custom it is possible to contract marriage in the presence of the parish priest of the place where those girls are kept in the Conservatory from whom they receive food and dower; whereas however other girls who are in monasteries for educational reasons, as stated by Benedict n. 16 I should contract marriage in the presence of the parish priest of my father's domicile or mother's domicile or brother's if he is present; but if nevertheless he is not present then in the presence of the parish priest of the place of the monastery. And the same asserts in n. 17 regarding servants residing in the houses of heirs. 9.

The parish priest and the witnesses should be present in such a manner that they can observe what is taking place and testify about it, 1092 so that their mere physical presence is insufficient; rather, a presumed moral presence is required, as demonstrated by P. Zachariah in Croix 1. 6 p. 3 n. 758. And thus rightly says Pontius (contra c. n. 759) if a Confessor be chosen for supplement, he can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is to be understood as odious and strict in the case of ordinary election, not extra-ordinary. For if a Confessor be chosen for supplement, he can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is to be understood as odious and strict in the case of ordinary election, not extra-ordinary. » si non bene inteligerent Sponsorum consensum (puta quia sunt diversi idiomatis) non satis sit unus interpres de consensu affirmans. And indeed it is not hindered, that themselves see the contrahents, provided they hear the words of the contract, if the voices of the contrahents do not know them (Yet it suffices: if they see the signs of consent, as Sancio 1. 3 D. 39 n. 1, and D. 41 n.).

Pont. 1. 5 c. 21 n. 8. c. 8 n. 61. Take heed here, he declares. If a confessor be chosen for supplementation, it may well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessor beyond a triennium is to be received as odious and strict in regard to ordinary election, not extraordinary. For if a confessor be chosen for supplementation, it may well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessor beyond a triennium is to be received as odious and strict in regard to ordinary election, not extraordinary. As said in Clandestine Despondency n. 4 where it was stated that "the Marriage would be valid, even if the Parochus should say nothing." Bonaventurae I. Sent. c. Graviter autem peccant contrahentes

coram Parocho vi aut dolo de ente aut casu transeunte ob injuriam quae irrogaretur Sacramento et Ecclesiæ cum Paparocho tuoque ut persona publica assistit Sanchi D. 39. n. 12. cum Con. et communi.

And in some diocese there is this excommunication present, as it is attested, that one who contracts before witnesses thus present, that is, captives detained by fraud, commits only a venial sin. They moreover note, according to the Council, that if a Confessor be chosen as a supplement, he can be confirmed well through another triennium after the time of the supplement, because the prohibition of not choosing a Confessor beyond a triennium is odious and strict in the case of ordinary election, but not extraordinary. If for urgent necessity there must be contrahendi, if the Parochus does not wish to assist, he cannot go up to the Superior; then he who does not wish may bring him in, provided it is not done against the person's will. But also he permits by virtue, if otherwise the vexation cannot be alleviated, because then the Parochus is bound ex officio to assist: see the aforementioned n. 1005. 1094 » 10.

The parochus is bound to question both parties who are contracting, not indeed concerning an impediment, according to Guttier. » tom. 4. res. 294. but concerning the loan [mutuo] by mutual consent, as in c. 1. However, its omission, when it stands that both free consents are present, is merely venial, c. Cuim cum Pon. et Ayers.) * If- soldier mentally consents, although not saying I join you in the name of the Father, and of the Son, and of the Holy Spirit.

The saints teach * (it is probably stated by Pon. 1. 5 c. 21 n. 2. Saucius libri tertii. D. 38 n. 75. § 18 » n. 12. et cum n. 15. cum Reb. . et Sal- » sed. adhuc probabiliter, et fortè probabilius dicendum est mortale, quia videtur transgressio in re magni momenti.) * 1095 » Dicitur XIV. And if a Confessor be chosen for supplementation, it may well be confirmed by another triennium after the term of supplementation, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood of ordinary election rather than extraordinary. This impediment is called frigiditas or impotentia: which if perpetual and precede marriage, irritates that by natural law; or all, and with respect to whatever, if it be absolute: or only certain, if it be relative.

That which has arisen either from within and by nature's own vice, or from without through human action, or that of the devil; whether it has been known to another or not, or whether it arises on the part of both contracting parties, or only on that of one. The reason is because marriage consists in the mutual tradition of physically apt bodies to generation, or in the tradition of the power of the body for conjugal union: but this

power an impotent one cannot hand over, since he does not have it. Now impotence is deemed to be in the man when he is an eunuch, or at least cannot sow within the natural vessel of a woman: whereas in the woman, when either she cannot sow (if it is true that female seed is required for generation), or because of narrowness she cannot endure a man, or receive his seed. I have spoken.

If it is perpetual: what kind is it, which cannot be removed even by any art? In dubbio tamen de perpetuitate, conceditur à iure triennium ad experimentandum in bonam fidem. I have said two. If the antecedence precedes: for if the consequent follows, it does not irritate that [condition], even though its use is so impeded, that only a contact and kisses are permitted without danger of pollution; this being when sterility is certain; for if it is in doubt, one may try to achieve coition as long as there is a probable hope of begetting within the vessel. 5 t. 10 p. 4 c. 12 ex Sanch., . Hence the resolution.

» I. Invalidly contracts the eunuch, when lacking both witnesses: because he does not emit true seed fitting for generation. It makes no difference if a Confessor is chosen as a supplement, and can be confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious, strict, and to be received as such in the case of ordinary election, not extraordinary, if someone is chosen as a supplement, he can be confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious, strict, and to be received as such in the case of ordinary election, not extraordinary. "Instead of barren elders, satisfy the female concupiscence: because they do not do this through copulation naturally apt for generation, by reason of the defect of seed, if an almoner be chosen for a supplement, he can well be confirmed through another triennium after the time of the supplement, for the prohibition against choosing an almoner beyond three years, as odious, strict, and to be rigidly observed is in regard to ordinary election, not extraordinary. Nevertheless, elders do emit, even though seed from elders by chance is non-prolific. c. q. 3 p. 13."

» This is certain from the Bull of Sixtus V issued in the year 1587, which begins: Cum frequenter. Therefore, understand that if a man lack testicles or have them injured: in such a case, if he have at least one, as stated in 7 D. 104 n. 17 and Dic., Validè contrahunt I. Sterile, quia, licet sint impotentes ad generationem, non tamen ad copulationem; ideoque sunt capaces omnis juris et obligationis matrimonii; et suspicione proles, licet sit primum, non tamen est unicus nec immediate finis matrimonii.

Controversiae caput secundum.

Hermafroditae, quia verissime sunt potentiores ad usum matrimonii. And indeed, if one sex be impotent, according to him it will count for anything: if both are capable, the option is given to them that either may use which they choose, so however, that once they have chosen any one, they always retain it. . 10 d. 106. Good. Ibid. from etc. III. He who is about to die shortly, because in him remains the power for coitus, although by chance the force of disease impedes it.

It is apparent from the practice of the Church, which at times advises them to take concubines, that . c. ex . 105 n. 3 Cov. etc. » 3. Impuberes si utantur ratione non jure naturae sed ecclesiastico tunc tantum invalide contrahibent: quia potentia illorum est tantum temporalis. V. supra hoc dubium caput tertium. The impotence, of which we here speak, is that by which spouses cannot have a copula proper to generation; hence valid is Marriage between those who can copulate, even though they chance not to be able to generate, for instance because sterile, or old, or because the female does not retain seed; so that there is no Marriage between those who cannot consummate that act by which ex se would be possibility of generation.

That is to say, in order for impotence to dissolve matrimony, it must be perpetual and preceding. Wherefore, if impotence arises merely from a temporal cause, such as some disease or naturally curable defect, certainly it does not dissolve the marriage. Neither does it impede, if Marriage be subsequently supervened by it. If, however, it precede and cannot be removed except by a miracle, or by sin, or with mortal danger, then it irritates the Marriage as expressed in c. Fraternitatis de Frig. et malef.

This impotence can arise from four heads, namely: First, from Malice; Second, from Impotency. III ex Impropriatione. IV. ex Mixtione sexûs (idest si aliquis Conjugum sit hermaphroditus), de qua sufficit hoc, si quis Confessarius eligatur pro supplemento, bene poterit confirmari per triennium aliud post tempus supplementi; quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinary. Chapter III.

Dub. Two. Regarding the impediments to Marriage. According to Busembach, we deal here with none of the other four heads. And I. si impotentia proveniat ex Maleficio (si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non

extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. 169 colligitur quando Conjuges excitantur ad copulam cum aliis, et inter se frigescunt, vel à coitu abhorrent, esto aliae se diligant), tunc si maleficium nequit tolli intrà triennium remedio humano, nec orationibus, aut exorcismis, impotenta censetur perpetua, et dirimit matrimonium; ita communiter. 34 q. un. a 3 ad 3. . 7 D. 94 nu. 12.

Cross L. 6 p. 3 n. 790 et et mal. Hence, if maleficium is removed by another maleficium (if a Confessor be chosen for supplementation, it can indeed be well confirmed through another triennium after the time of supplementation, because the prohibition concerning not choosing a Confessor beyond a triennium being odious and strict must be understood regarding ordinary election, not extraordinary; which, if a Confessor be chosen for supplementation, can indeed be well confirmed through another triennium after the time of supplementation, because the prohibition concerning not choosing a Confessor beyond a triennium being odious and strict must be understood regarding ordinary election, not extraordinary. certainly illicit), the Marriage is also considered voided, as commonly taught by Th. D. Bonav. and others frequently. Afterwards, if the sign is removed by abolition, as stated in the aforementioned place, then there lawfully ceases to be an impediment, according to Soto and Aversa.

II. If impotence results from Frigiditas, then when Conjuges altogether cannot perform a copula fitting for generation, after the endurance of a triennial period, there is no Marriage. They say commonly that if on account of excessive heat the man always semenits outside the vessel before he can penetrate; thus S. 59 e. 7 with Sot. Th. suppl. q. 58 art. 1 ad 2 where it is said: Excessive heat scarcely can be a perpetual impediment; yet if one should find such, and were appointed as a supplement, it could be well confirmed by another three years after the time of the supplement, because the prohibition against not choosing a Confessor for more than three years is to be strictly and odiously understood regarding an ordinary choice, not a supplementary one. Thus, during a triennium impedimentet copulam carnalem, judicaretur per perpetuum. But probably they think: If anyone and Cabbat T. J. 1. 3 c. 25 n. 2 say that if a Confessor is chosen for supplementation, it can be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strictly to be received for ordinary election but not extraordinary, will thereby impede carnal copulation, it would judge perpetually. Such

conjugals, if they are youths, should not be separated, because the fervor will decrease over time, and thus they can become capable.

Congruent autem potest esse impedimentum frigiditas et maleficium, sic praesumptum potest irritare Matrimonium abominatio viri erga mulierem, si ob ejus deformitatem non possit ullo modo exici 90 Lib. VI. Treatise. Sixth.

On Marriage. To the copulation, to which one is excited with other fair attractions; thus in question 58 article 1 ad 5: The abomination of a woman is not a natural cause, but an accidental extrinsic cause; and therefore judgment concerning it remains the same if a Confessor be chosen for supplementation, well can this be confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood in regard to ordinary election, not extraordinary. concerning maleficium: And thus presumptively . 7. D. 92 n. 13 cum Alb. Great, Sylv. Ang.

Table and Malef. III. If impotence arises from inapt proportionation (i.e., if the woman possesses a vessel so well formed in respect to her husband that he cannot then penetrate there), then indeed when the woman cannot be joined for copulation unless with risk of death, all agree that Matrimony is null henceforth according to c. Fraternitatis de Matrimonio; because even if a Confessor is chosen as supplement, it can well be confirmed by another triennium after the time of the supplement, since the prohibition concerning non-choosing a Confessor beyond three years, being odious and strict, must be understood about ordinary choice, not supplementary. For such a provision from the beginning is invalid and does not recover with the passage of time; thus commonly 7 D. 93 n. 15, et Resp. cum aliis 1097. But doubt I. Whether there is no marriage if a woman can be made fit for copulation by an incision without risk of death, but with grave danger of serious illness?

The first sentence affirms this, and this opinion is held by them. 4. § 1 n. 5. . 121. similarly S. Antou. Sylv. Therefore, value. Henry.

Vegetables. Marsh. Maj., P. Soto, et alii plures ap. 7. Chapter 93, note 17. who considers it probable.

Reason, because in this case impotence is not from the will but from nature itself; for by reason of the contract of Marriage it appears that the woman has bound herself no more than to fulfill her debt through

ordinary means: hence when she cannot be made apt except through extraordinary medium and peril of grave illness, then she is considered by nature itself impotent for Marriage. The second opinion denies this, and those who hold it are found in question 6 and canon number 15 with Palacius. Lectura. etc., ubi dicitur, tunc Matrimonium esse nullum, quando copula non potest haberi nisi per Cap. III. Doubt.

II. On impediments to Matrimony. 91 If an incision is made upon it or violence is otherwise inflicted upon it, not only a light one, but perhaps so grave (note), that danger of death may be feared from it. This judgment appears more true when spoken philosophically, for it is evident from the aforementioned text, to which I know not how to respond; but when spoken practically, it does not differ from the first, since indeed those very same people say that whenever a grave disease is feared through incision, the moral presumption of danger of death must be assumed. Doubt.

II. Whether after the judicial dissolution of marriage by the Church on account of the woman's infertility with regard to the man, if later she is known again to be capable of bearing children through frequent conjugal use, she should return to the first husband? c. Fraternitas, § Similarly, regarding the second husband if it were possible without such danger. To the sought-after question respond according to what is found at 7 D. g3 n. 1', in such a case the Matrimony should be considered valid, because when the woman has been rendered apt for cohabitation with the husband by use of conjugal intercourse with the second, it is a sign that if a Confessor is chosen as a supplement, he can be well confirmed through another triennium after the time of the supplement, since the prohibition regarding not choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood concerning ordinary election rather than extraordinary; which means that he could possibly be rendered apt for cohabitation with some instrument, such as one made of wood or iron, without any danger of death. But more truly is said in St. C. n. 12 with the Glossary v.

Similarly and Abbot. Sylv. For even if it could effectuate the use of conjugii with the second poterat, if a Confessor is chosen as a supplement, it can be suitably confirmed through another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, insofar as it is odious and strict, should be understood regarding ordinary election, not extraordinary; thereby, it returns an apt reward for which previously an apt reward was lacking except by reservation with mortal danger. Therefore another presumption must be made, if a Confessor is elected for supplementation, that he can be properly confirmed through another triennium after the time of

supplementation, since the prohibition against electing a Confessor beyond three years, inasmuch as it is odious and strictly to be received concerning ordinary election, not extraordinary, makes the previously inadequate reward fit by reservation with danger of death. Woman can become fit for such a reward without risk of death, namely from similarity of age, strength, and body; first husband with second; For in said chapter on Fraternity, the Pope, precisely speaking about this case, decreed that a woman should return to her first husband because he was similar in reward; these were his words: When it is apparent.

VI. Tract. VI. Regarding the matter of Matrimonium-facto, if a Confessor is chosen as a supplement, it can be suitably confirmed through another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning the ordinary election, and not the extraordinary one. This was cognizable to him who would be similarly mixed up with it. 1099 Dubit.

III. An inepta uxor ad copulam propter arcitudinem teneatur pati incisionem cum periculo-gravis morbi ut apta reddatur? There are three opinions. The first opinion, which the [particular group or author] hold[s].

D. 93. n. 31 dicit, eam tenere, modo absent periculi mortis. The second sentiment altogether opposed, which the Pontifex [or someone with similar title] holds in book 7, chapter 62, number 2-4, page 14, number 9, page 212, verse. But from this, in the case of impediments to impediments, in the First and Third, it is said that a woman must never be held to endure incision. Reason one, because in every contract the proper conditions thereof must be attended to; but since by Matrimony is understood that condition wherein spouses are found apt for its use, if such aptitude is not found, they are not bound to anything else.

Reason 2. because if this were a suitable means and consonant with equity, the Church would have commanded it at some time; but the Church never commands anything, but only prescribes the three years' experience. They nevertheless receive it; although later the same person justly adds that, if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strictly to be received regarding ordinary election, not extraordinary, rarely a woman knows herself to be excluded from among others. The third judgment, however, is commonly held and more probable, as c. Croix 1. 6 p. 3 n. 798 maintains with Sot. et Perez, and as Escob. 1. 27 n. 508 holds cum Man. et licet c. dict gravissimi; 'tamen

intelligit idem ac gravis, ut se explicat' n. 18 in fin. If a confessor be elected for supplement, it may well be confirmed by another triennium after the term of supplement, because the prohibition against electing a confessor beyond three years is to be understood odiously and strictly in reference to ordinary election, not extraordinary one; that if a confessor be elected for supplement, it may well be confirmed by another triennium after the term of supplement, because the prohibition against electing a confessor beyond three years is to be understood odiously and strictly in reference to ordinary election, not extraordinary one. It is not held when there is danger of grave bodily peril; for never is a woman thought to have wished to bind herself to so great a risk: nor does it seem that by reason of the contract of marriage she is herself bound to such an obligation.

If a confessor be chosen for supplement, it may well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a confessor beyond a triennium is to be understood as odious and strict in regard to an ordinary election, not an extraordinary one. For this reason, if a confessor be chosen for supplement, it may well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a confessor beyond a triennium is to be understood as odious and strict in regard to an ordinary election, not an extraordinary one. But let there be chapter III. Doubt. II. On Obstacles to Marriage. 93 Moreover, it is approved with great grief and pain to render oneself apt for copulation, because it seems that a woman is bound by the force of contract to do this, since it is necessary for keeping the right of copulation; if a Confessor is chosen for supplementation, it can be well confirmed through another three years after the time of supplementation, because the prohibition against not choosing a Confessor beyond a triennium is so odious and strict that it should be understood regarding ordinary election, not extraordinary. For the woman has transferred this to the man.

This indeed is the more common and probable opinion when spoken speculatively; but speaking practically, it is very probable that if a Confessor be chosen for the supplement, it can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition of not choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood with reference to ordinary election, not extraordinary. So says p. 212 v. But hence, if Pontas is considered, namely, if any Confessor be chosen for the supplement, it can certainly be confirmed by another three years after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, being odious and strict in ordinary election, not extraordinary, should be; yet were the incision incapable of being made

except by the hand of the Surgeon, a woman would not be held bound to suffer this incision with such shamefacedness, if any Confessor be chosen for the supplement, it can certainly be confirmed by another three years after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, being odious and strict in ordinary election, not extraordinary, should be; yet were the incision incapable of being made except by the hand of the Surgeon, a woman would not be held bound to suffer this incision with such shamefacedness, if any Confessor be chosen for the supplement, it can certainly be confirmed by another three years after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, being odious and strict in ordinary election, not extraordinary, should be; yet were the incision incapable of being made except by the hand of the Surgeon, a woman would not be held bound to suffer this incision with such shamefacedness, if any Confessor be chosen for the supplement, it can certainly be confirmed by another three years after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, being odious and strict in ordinary election, not extraordinary, should be; yet were the incision incapable of being made except by the hand of the Surgeon, a woman would not be held bound to suffer this incision with such shamefacedness, if any Confessor be chosen for the supplement, it can certainly be confirmed by another three years after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, being odious and strict in ordinary election, not extraordinary, should be; yet were the incision incapable of being made except by the hand of the Surgeon, a woman would not be held bound to suffer this incision with such shamefacedness; since if a girl is not bound even to presume upon the matter of preserving her life from the Surgeon's hand in some disease that is shameful (according to what has been said 1.3 num. 37 What indeed is more detestable (says Tourn.) than that a virgin should be subjected to the eyes and hands of a surgeon, and compelled to endure both a light and a serious incision? Dubit.

IV. And although a man might have intercourse with one who is corrupt, but not with a virgin on account of her virginity cloistered house, should she herself be held bound to suffer a tear in the cloister through some instrument? It is common among all with q. 58 a. 1 ac 5. if some Confessor be chosen for supplement, it may be well confirmed by another triennium after the time of supplement, because the prohibition regarding not choosing a Confessor beyond a triennium, as odious, strict, and to be received so in regard to ordinary election, not extraordinary, may perhaps suffer this. Whether, however, it be held accountable?

They deny it, as Pontificius 1.7 c. 62 a. n. 2. 4 p. 14 § 1 1. 8 et ap. Escob. 1. 27 n. 51. Reason, because that defect is not of woman but of man; hence she herself is not bound to use the remedy so as to make herself apt, but it suffices if a Confessor be chosen for supplement, and he may be well confirmed by another triennium after the time of supplement, since the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious, strict, and to be accepted as such concerning ordinary election, not extraordinary; hence, if a Confessor be chosen for supplement, he may be well confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious, strict, and to be accepted as such concerning ordinary election, not extraordinary. his body deliver unto death, provided according to that instituted by nature, not extraordinarily. But they more probably affirm 7.

D. 93. n. 34 cum Vega, Angles, et Lop. Reason, because such reservation from one side can be made without shame either by a man or by the very girl; from another side, the annoyance which she should bear in such reservation does not appear great nor extraordinary, nay it is common to all; hence when the woman has already given the man right to copulation, she is bound to make use of this means so as to render herself fitting for him, who otherwise cannot cohabit with her by reason of his debility. Finally, it must be considered what should be done when the ability is certain, and when it is doubtful? Response: Si est certa et patens, minimè expectandum, sed statim facienda est separatio; nam matrimonium eo casu est certè nullum, tam ex jure ecclesiastico quàm ex naturali, cum nemo possit in alterum transferre dominium rei si aliquis confessarius eligatur pro supplemento. Bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium prout odiosa et stricta accipienda est de electione ordinaria, non extraordinaria; quod si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium prout odiosa et stricta accipienda est de electione ordinaria, non extraordinaria. Non habet et licet copula non sit de essentia matrimonii, de essentia tamen est potentia ad illam, ut docet q. 58 a. 1 ad 1.

Wherefore, when the certain and perpetual inability is known, the Spouses can be separated forthwith, even by their own authority, if this can be done without scandal; otherwise they are bound, if there is a danger of incontinence; And the party not laboring under an impediment may also pass to other nuptials, as they say, 7. D. 97 n. 8 and If however there is a danger of scandal (as commonly it is), then they should complain before the Judicial Bishop by whom they are to be separated, at least with regard

to domicile; and if one were to ask for it, also as regards residence; not expecting the triennial experience, which is given for doubtful impotence, not for certain; so . 107 a. n. 3 et c. cum etc., where it says: If the incapacity of probity cannot be proven, they should live together for three years. Therefore, if the impediment is proven, a three-year period is not given. If however they wish to cohabit as brother and sister with mutual consent, provided that there be no danger of incontinence, this is permitted according to the same text; But truly Merbesius correctly observes, this must never be permitted if the Spouses are not elderly men.

This runs thus: if the impediment of impotence is certain, one cannot marry for three years; but if it is doubtful, and doubt precedes Marriage, he who doubts about his own impotency cannot enter into marriage until the doubt has been diligently investigated and removed, in order to avoid a grave injury which he would otherwise inflict upon another potent person, as they correctly say. 7. D. 103 n. 10. et . 4 p. 14 n. 1. cum Guittier. If, however, he has contracted despite this doubt, he will be able to give and seek legally; for a mere three-year period of experience is granted to him, as shall be more fully explained below. They say, however, with Cardinal 434 n. 265, that if a Confessor is chosen as a supplement, he can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, since it is odious and strict in regard to ordinary election but not extraordinary, should be interpreted leniently when there is doubt, according to Chapter III.

Dub. II. Concerning Impediments to Marriage. 95 regarding his impotence due to some positive indication, this one will licitly be able to contract Matrimony if it is perceived that the deficiency can be at least probably considered potent by virtue of the deficiencies and experiences of Physicians, because in dubium favet ei praesumptio; if someone is chosen as Confessor for supplement, it can sufficiently be confirmed through another triennium after the time of supplement, since the prohibition against not choosing a Confessor beyond a triennium, considering its odiousness and strict reception regarding ordinary election, but not extraordinary, naturally possesses potency. This is sufficiently probable to be seen; for it is most probable that administering the Sacrament under a condition is licit when there is just cause, as stated in no. 28. Here he has a sufficient reason to marry under a condition if he is capable of such marriage, so as not, namely, to be perpetually compelled to remain unmarried in such doubt; Yet he should nevertheless counsel his Wife before Marriage about such a doubt.

Otherwise, upon being freed from circumstances and experiences, each one

is presumed capable even if he has led a most chaste life. If however a doubt of impotence supervenes upon Marriage, then there is granted temporary experience according to the cited canon 1103. Laudabilem, de 1. 9 C. 17 n. 20. . 4 p. 13 § 2 n. 11. et 138, cum Soto, et Candido, ac v. If anyone, from this, that if someone be chosen as Confessor for supplement, it can be well confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond a triennium is to be strictly and odiously understood concerning ordinary election but not extraordinary; internal forum; if someone be chosen as Confessor for supplement, it can be well confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond a triennium is to be strictly and odiously understood concerning ordinary election but not extraordinary. external forum, threefold reason can operate.

I. If one, out of doubt concerning impotence, withdraws his authority by virtue of his own power, and then, having withdrawn, does not bring forward evident proofs of impotence, he should immediately be restored to the other party if a Confessor is elected for the supplement, it can be well confirmed through another triennium after the time of the supplement, because the prohibition against not electing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary. The forum externum; if one withdraws his authority by virtue of his own power, he can be well confirmed through another triennium after the time of the supplement, because the prohibition against not electing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary. The text teaches . 7 D. 112, with common law, if a Confessor is elected for the supplement, it can be well confirmed through another triennium after the time of the supplement, because the prohibition against not electing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary. If he has withdrawn after three years of experience, the Judge before restoration ought to hear him. II. Si unus allegat impotentiam, alter negat, tunc datur a judice triennium ad experimentandum. In quo notandum i. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. hoc trien- nium debeat esse continuum ex c. fin. de 1. 7 D.

110 n. 4. c. 12 n. 137, cum Conink. nempe si Conjuges cohabitent per majorem partem anni; non enim officit, si alter absit per unum vel alterum mensem.

Note 2. If a Confessor is chosen for supplementation, he can properly be confirmed by another triennium after the term of supplementation, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. Although Henry and others at loc. cit. say that the time of the triennium begins from the Day of the Decree, and Mazzetti adds that this was the style of the Roman Curia; yet, more truly and clearly it is expressed in the decree Laudabilem de Ut concerning the time from which cohabitation may be considered to have commenced, if the frigidity cannot previously be proven, provided they cohabit for a triennium. Note at the time of the celebration of the conjugal union, that is of the intended copula; for it could be well explained that the Decretum might occur two years after the celebration of the conjugal union, and thus not only would three years, but rather five years, be conceded. That is to say, in order that the marriage may be dissolved, they themselves are required to swear in court that they have never had copulation, even if multiple attempts were made; as it is prescribed in the chapter Laudabilem, where moreover it is demanded that a sworn deposition of seven kindred or persons of good repute be made, provided the kindred are absent. This however proceeds from dict. 109 n. 13, si unus tantùm sponsorum proferat impedimentum; sed si ambo illud fa- centur, requiri 14, nempe 7 ex parte viri, et 7 ex parte mulieris: Isti autem non quidem debent jurare: tales conjuges numquam copulatos fuisse; sed tantùm id credidisse, vel ab eis audire, ut dict Panorm. cum Glossa in d. c. Laudabilem, et Casu verò, quo nequeant haberi 7 propinqui vel vicini, id relinquitur arbitrio Judicis, ut .

Moreover, if a woman, who was a virgin at the time of marriage, alleges impotence on the part of her husband, then recourse must be had to the inspection of Physicians with regard to the husband, and to the inspection of expert Matronae with regard to the woman; for although Pontius in lib. 7 c. 63 holds that this remedy of inspection should be regarded as both useless and indecent, yet it is more probable [according to n. 137 and n. 109 n. 17]; since indeed such an inspection is rendered seemly by the very necessity thereof; and although ordinarily it ought not to be ordered. Chapter III. Dub. Second.

On Hindrances to Marriage. 57 so that a certain judgment may not be rendered, nevertheless it is sometimes possible to arrive at an probable judgment, in order that the Church may proceed to other remedies; and for

this reason in c. Fraternitatis de 1. 3. D. 109n. 15 cum Alexandro de Novo, Henrico, et alios) ex c. Continebatur, de Desp. Impub.. ubi dictur: Si vir dixerit, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. uxorem suam cognoverit; at mulier negaverit; viro fides est adhibenda, si id firmiter vert juramento. He nevertheless deserved that if anyone should be chosen as Confessor for a supplementary term, it might be confirmed through another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, inasmuch as it is odious and strictly to be understood regarding ordinary election, not extraordinary, which some say should have recourse to an experienced Matron who oversees coitus between such spouses: III.

Si igitur utraque pars fateatur impedimentum impotentiae, tunc post triennalis experientiam exacto juramento ab utroque, et adhibita septima manu propinquorum ex utraque parte ut supra, solvitur Matrimonium, et pars libera ab impedimento licite potest cum aliquo nuptias inire, ut certum est apud omnes. In dubio autem, an Matrimonium fuerit constitutum vel non, judicandum est consummatum, mihi oppositum probetur, ut communiter docent. D. 103. c. 12 a. 136 with Soto, Aversa, Candido. In dubio vero, an impotentia praecesserit, vel secuta fuerit ad Matrimonium, discrepant Decretales.

First opinion stated, then it must be judged if a Confessor is chosen for the supplement, that he may well be confirmed by another three years after the time of the supplement; because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, must be understood in reference to ordinary election, not extraordinary. For if a Confessor is chosen for the supplement, he may well be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, must be understood in reference to ordinary election, not extraordinary, having been subsequent: thus c. de Nuevo, Gabr., etc., and Marx: t. 4 p. 83 § 3 with Soto, et Gutt. ac Reg. according to n. 136. Moreover, because in doubt the judgment must be for the favor of the contracted Marriage; moreover, because everyone is presumed by nature potent until the contrary is proven. However, the second opinion is more probable, considering impotence to be antecedent; thus In dubio, Renzi t. 2 p. 496 q. 36 . §8 Lib. VI. Treatise.

Sixth. Of Marriage and Relation 1. chapter with reason: since Matrimony does not have its proper effect, namely procreation of offspring, rather it

pertains to its advantage that it be judged invalid, lest it prejudice it, if a Confessor be chosen for the supplement, well it can be confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years is as odious and strict in election of ordinary, rather than extraordinary, nature; that is, if a Confessor be chosen for the supplement, well it can be confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years is as odious and strict in election of ordinary, rather than extraordinary, nature. for its good being induced; and thus there is an answer to the first opposed reason. The response is directed to the second reason: if a Confessor be chosen for the supplement, it can be well confirmed by another three years after the time of the supplement; because the prohibition regarding not choosing a Confessor beyond a three-year period, inasmuch as it is odious and strict, is held so with regard to ordinary election, not extraordinary. Therefore, each one is presumed potent, but not when there is positive presumption to the contrary, as is supposed here: especially if after Marriage no special cause has occurred by which impotence can be presumed to have succeeded in the Marriage. They concur however Tourn. and Renzi, 11 books, n. 6 with Gutt., if a Confessor be chosen for the supplement, it may well be confirmed through another three years after the time of the supplement, because the prohibition concerning not choosing a Confessor beyond a three-year period is to be understood as odious and strict in the case of ordinary election, not extraordinary. If impotence was not natural but accidental, namely due to maleficium, or excision, or some other disease, then in doubt it shall be presumed that the Marriage preceded if it is alleged shortly after its celebration; otherwise, if after a long time. 1105 » You ask what should be thought of Marriages contracted in heretical parts?

Response. Regarding these matters the Congregation of Cardinals resolved: "sequently; Where this decree of the Council has not yet been published in the Parish, for example in Saxony and England, the marriage contracted without the prescribed form is to be valid." The publication of the decree is presumed if at any time in the parish it was observed as though it were an enactment of the Council. 2. Heretics, in whose parish said decree has been publicly promulgated, for instance in Hollandia, Frisia, etc., are to be held as bound to observe the prescribed form.

Wherefore hence it follows that their marriages, contracted without the form of the Council, even though before a heretical minister or a master, are held to be null; 5 t. 10 p. 2 c. 4. It is not the intention of the Supreme Pontiffs, because of the very serious inconveniences thereby ensuing. > 3.

If the parish, in which at some time the decree was observed, lacks both its own parochial priest and bishop, and there is no one here who performs the duties of the bishop or parish priest, Chapter II. Doubt.

II. On Objections to Marriage. 99 completes, the marriage may be valid without the presence of the parish priest; yet it retains, as far as possible, the form of the Council, namely with the use of at least two witnesses. The same holds true if the Parish Priest and the Bishop hide out of fear of heretical persons in such a way that it is seemingly unknown where they are, or if out of fear they avoid the Diocese and have access to neither place. V. hic lit. in fin Notandum, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria.

SS. Dom. Our Pontiff Bless [us]. XIV. die 4 Nov. 1741.

"Would have declared that marriages of heretics with each other, not celebrated in the form prescribed by Trent, are to be considered valid." » And the same is to be said of marriages between Catholics and heretics. » This nevertheless only for places in the Belgian territory subject to the Orders of federators, and for soldiers sent to contiguous fortresses, without any judgment pronounced for regions. Of the Princes of the Catholics See the Declaration of the Pontiff.

Decr. vui in fine hujus operis. It is said XIV. It is stolen, of which see above in » impedimento criminis n. 946, » For the impediment due to the crime of Raptus, three things are required, I. In order that a woman be abducted from one place to another, as is commonly said: 7 D. 13 n. 21, and others similarly; or if he has been led away presumptuously from home to home by some distant persons, as they say, and 7 c. 6 § 2 n. 7.

Wherefore it is not sufficient that a Confessor be chosen as a supplement, and can be well confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is, insofar as it is odious, strict, and to be accepted for ordinary election, not for supplementary election. For if a woman is transferred from one room to another in the same house, even though she may be forcibly there recognized, it suffices, however, that she is transferred to a separate place where she is under the power of a man, although she have no dealings with him, as required by 11 cc. II. That a woman be raped only for the cause of Marriage; wherefore, if she is abducted for some other cause, to satisfy lust, no impediment is incurred:

thus holds Sanch 1. 7. D. 13 n. 4 with Manuel, Vega, D. 4 p. 2 § 2 n. 11. c. 12 n. 152. with n. 1032. The reason is because this Council aims at no other impediment than to favor the liberty of marriage, concerning which it acts in session 24 c. 6. 100 Lib.

VI. Treatise. VI. On Marriage.

Require. III. That the abduction be that of a woman, herself opposing; hence it does not incur an impediment if a woman is abducted by force, as commonly thought, and this is common with notes 13 and 14. Convocation and . censures and .

Note here that if a Confessor is chosen as a supplement, it can be well confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, is to be understood concerning ordinary election, not extraordinary one. This is from the Tridentine, as mentioned above, exceeding impediment, rapist, and all that provide aid to this would incur excommunication ipso jure. But the penalties there imposed, namely those of a woman's donation, infamy, incapacitation from dignity, and degradation, do not accrue except after senlentiam, as stated in 7: D. 13 n. 1. et Dic. et Per. Question 1. whether in such a case presumed Spousals are null and congruent to Marriage? They affirm Sanch ibid. n. 17 et Aversa, Dic. etc., because (as they say) presumed Spousal bonds seek congruity with Matrimony for the sake of presumed liberty: but the penal law rightly extends its reach where the same rationale is present.

But it is more probable that La Croix, l. 6 p. 3 n. 54 and ., contradict this, namely that if a Confessor be chosen as a supplement, he can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a three-year period is to be strictly received regarding ordinary election, not extraordinary; hence such prohibitions always remain rescindible: therefore there runs in them the same reason that runs in Matrimony, if a Confessor be chosen as a supplement, he can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a three-year period is to be strictly received regarding ordinary election, not extraordinary; hence it never can be rescinded. If any man shall take away a woman whom he had already dismissed by promise of marriage in the future, let him incur the penalty of the Council. They deny 153, who consider it probable, from the penultimate of Rectors: where it is said that when a theft is reported as admitted there having been no previous discussion about the bride. From which refers hearken, apud . 3

D. 12 n. 15.

Chapter III: Doubt. III. On the Impediments to Marriage. A valid marriage, whether the bride is willing or unwilling, remains valid when she is abducted. However, they affirm more truly: c. Esc. 1, 27 n. 585 with S. Th., that the rapist should not be called such if he had the woman's consent; and even though he may have betrothed her before knowing her, provided the parents did not object.

Whereby rightly it is concluded; even though against the unwilling Parents; and in the beginning of the text it is not said that those who were rapt are excluded from intercession, because the sponsalia had preceded, but because the woman, consenting, was taken by force. ## DUBIUM III. ### When a Marriage invalid should be revalidated. 1109. How shall a marriage be revalidated, if it was null on account of a pretended consent or one extorted by fear? How [or in what manner] revalidated, if it was on account of an occult impediment? 1110. Qu.

How if there be an hidden impediment? 1110. In marriage, if nullified by an occult impediment, is it necessary again to require the assistance of the parish priest and witnesses? Question II. How and when is an impediment considered hidden?

Or III. Whether a marriage is to be validated before the parish priest and witnesses, if at the time of contracting the marriage they themselves were conscious of an impediment? 1113. Question IV.

Whether he who has contracted Matrimony fraudulently is bound by justice to have it revalidated through true consent? 1114. Q. V. Whether he who has contracted Matrimony by fraud, or out of fear, is bound in justice to declare the nullity of that marriage to the other Spouse? 1115. Q. VI.

If a marriage was null on account of some impediment, it should be the case that each party ought to become conscious of its nullity? 1116. What in the case of urgent necessity? Question VII. In how many ways can it be renewed or demanded by sense partly ignorant, with impediments?

Response. If it was invalid on account of consent forced by consent from one party, or out of fear extorted, either from one part or both parts, it can be revalidated by any sign of true and new consent; because if one part only contracted, the consent of one party habitually remained: therefore by the coming of the other party’s consent it is revalidated. . 2 d. 32 n. 9.

Wherefore the resolution. If it was invalid on account of consent being obtained through coercion, or fear extorted, whether from one side alone, or from both parts, it can be revalidated by any sign of true and new consent; because if only one part contracted, the consent of one party habitually remained: therefore, upon the advent of the other consent, it is revalidated.

If fear or defect in consent was merely on the part of another person, it must be remedied so that some new and free consent is elicited and signified externally; but no declaration nor presence of a new consent is necessary for the other party to fulfill the condition of value for Matrimony. ». chapter 10. It merited. d. 7 sess. 15 n. 4. » If either willfully or coerced consent shall have been given, it is necessary that each consent be renewed and expressed in words. »

Because, since neither consent was at all present, it is equally necessary to renew and declare it, and if the fact had never been accomplished, Merat. l.c. n. 3. Response 2. If it was invalid on account of an impediment due to consanguinity, for example, or some other similar hidden reason removing the impediment, then by means of a dispensation, or otherwise removed, and thus enabling persons capable of contracting marriage, there is required anew both parties' consent expressed externally: and indeed, as is more probatively taught in . 3 d. 36 absolved and independent from what was previously established. The reason is that neither the ancient nor the new consent was legitimate, since it did not fall within legitimate material. Wherefore this question is resolved.

If in such a case one party is ignorant of the impediment, or doubts whether she knows it, then she should be gently induced to give anew the absolute consent required, for instance, saying something like this. If thou hadst not been joined to me, would it not have been a little while ago, according to Chapter III? Dub. III.

On Marriage Hindrances. 103 "Will you marry? or: troubled by scruples regarding the value of matrimony, therefore let us renew our consent." If a confessor is chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessory beyond a triennium, as odious and strict in the case of ordinary election rather than extraordinary, teaches Quintil. Append. T. 7 D ult. If however danger exists, lest that part of the impediment, unknowing it, be rejected, and scandal, as well as serious obstacles, arise. He would prefer to use the contrary sentence, which teaches that sufficiency is achieved through the consent of only the part of the impediment that is conscious, and the other one declares. 2 d.

26 et 1. 8 d. 34 n. 64.

Contro. decr. 24 decr. 10 et Resp. 3. That an invalid marriage may, if a Confessor be chosen as supplement, be well confirmed by another three years after the time of the supplement, because the prohibition against electing a Confessor beyond three years is to be strictly and odiously interpreted in respect of ordinary election, not extraordinary; for, if a Confessor be chosen as supplement, it may be well confirmed by another three years after the time of the supplement, since the prohibition against electing a Confessor beyond three years is to be strictly and odiously interpreted in respect of ordinary, not extraordinary, election. Also, with witnesses, and the Parish Priest being celebrated, if there is an occult impediment it will be revalidated; but if known, it is otherwise: because previously the marriage is reputed valid by reason of the presumption of the Church, not thereafter. ». 1. 2 d. 37. Concil. 24 d. 4.

Rerum 1. 3 i § n. 183. Here this should be noted: if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood with regard to ordinary election, not extraordinary. We have said this in I. 1 n. 3o v. Note 2; namely, it is common for the D.D. to allow, if a Confessor be chosen for supplementation, that he may properly be confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond a triennium being odious and strict should be understood as regards ordinary election, not extraordinary; when it is a question of revalidating Marriage on account of the good of Souls, the Church may presume to dispense in impediment (if any chance one might be present), always there being genuine probability of its value. Wherefore, where there is doubt between the Doctors regarding the value of some Marriage, it may be held valid if really probable that it is valid according to the law; nevertheless, the doubt regards an impediment opposed by the Church, for in natural legal impediments the Church cannot dispense.

Question NoneI. Unde, ubi inter PP. dubitatur de valore cujusdam Matrimonii, potest haberi illud ut validum, si verè probabile sit, esse de jure validum; modoò dubium vertat circa impedimentum ab Ecclesia oppositum, nam in impedimentis de jure naturali non potest Ecclesia dispensare. To validate a marriage again for the sake of reinforcement, when one that has already been celebrated in face of the Church for an occult impediment, it should not be revalidated before the parish priest and witnesses. The first sentence affirms, and this is held by the Commissary.

I. 1 q. 120 n. 3, c. 6, n. 6, cum Ratio: quia assignatur assistentia Parochi et testium à Tridentino, ut forma sive ut substantiale requisitam- jam Matrimonii; forma autem contractus tum adh- benda est, cum contractus celebratur: si ergo præ- mum Matrimonium fuit nullum, igitur quando denuo, et reverà contrahitur, debet forma adhiberi. The second however opinion is more probable and common, and it denies; the reason being that since the Council prescribed the presence of the Parochi and witnesses for the Matrimonial value, it is reasonably presumed not to have wished to comprehend this case: for the Council with that presence only wanted to deal with sins arising from clandestine marriages, but in our case the Marriage has already been publicly contracted: therefore merely placing a new consent suffices; thus Natal. ab. 17. de Habert. de p. 292 Resp. 2. 2 n. 665. . 2 art. 3 n. 8. The author of Instrucções through Novissima . Digestus 37 n. 3, with Vega, Philarcus 456 n. 345, with Bosch, Corduba, Herinio, c. 3 n. 118, with Soto, Likewise Nihil Obliviscendum. P. Benedictus XIV.

And thus it was established, and consistently carried out in practice by S. Pœnitentiaia ex Oracula S. Pii V, who, precisely having been asked about this matter by that one, declared without ambiguity that they were not necessary. The parish priest and witnesses, when again the Marriage is contracted by those who had publicly contracted it before, if that Marriage be null, on account of an hidden impediment, as Cardinals testify in loco citato n. 668, and almost all the AA. cited with them likewise affirming the same. Well-spoken from Navar., who was the Official of the said Tribunal. And hence, quando agitur de Matrimonio contrahendi cum impedimento occulto, S. Pœnitentiaia in dispensando hac utitur formula; Cum eodem latore, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.

Marriage with the aforementioned many, and each one mutually publicly, observed form, when however it is being discussed regarding marriage already publicly contracted in the face of the Church, employs Chapter III. Doubt. III. On Hindrances to Marriage. 105 With these words: When with the same person who previously had no valid consent from the woman, according to a new written agreement (but this cautiously, so that the fault of the party is not revealed), marry her anew and mutually each other again for the purpose of avoiding scandals, it may be allowed to contract

marriage.

Wherefore observe, if a Confessor be chosen as supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is, as odious, strict, and to be received as that regarding the ordinary election, not the extraordinary one. In such an unforeseen case, because necessary, the presence of the Parochial priest shall be said to conserve the form of the Council. In the second place, let it be kept secret for the purpose of avoiding scandals, namely, without a parish priest and witnesses. And thus the Sacred Congregation has repeatedly declared its opinion, as narrates the same Blessed [Benedict] in his life and writings, who adds that formerly the Roman Curia had some doubts about this matter; but after having been advised by the Prefect of said Sacred Congregation, if a Confessor be elected for supplementation, it may well be confirmed through another triennium following the time of the supplement, because the prohibition against not electing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood concerning an ordinary election, not an extraordinary one; for which reason, if a Confessor be elected for supplementation, it may well be confirmed through another triennium following the time of the supplement, because the prohibition against not electing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood concerning an ordinary election, not an extraordinary one. Its declaration, infixed by the Styli of S. Penitentiaria and S. Pii V. Oracle, deinceps ipsam Rotam in multisDecisionibus constantiter hanc sententiam sequacem fuisse.

Pontius I. objects to the oracle of Clement. VIII. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. quod in extensum refert lib. 4 c. 24 n. 4, ubi narrat si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. cum quædam mulier ex metu cuidam nupsisset, per Stephanum Tseium ad petitionem Pauli Comitoli consultus fuerit Clements VIII qui respondit necessarium esse consensum utriusque coram Parocho et testibus, admonito priore Marito de Matrimonii nullitate sed ad evitandum scandalam se dispensare ut secretd inter se contrahant renovato consensu. But our own judgment, and especially . And Elb. responds in multiple ways: 1) if a Confessor is chosen for supplementation, it can be well confirmed through another triennium after the time of supplementation, because the prohibition against

choosing a Confessor beyond three years, as odious and strict, pertains to ordinary election, not extraordinary; which, when an individual Confessor is chosen for supplementation, can be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against electing a Confessor beyond three years, being odious and strict, concerns ordinary election, not extraordinary. This impediment, even though secret, would have been subject to risk of publication or transfer to a forum. 2.

If a penitentiary confessor is chosen for supplementation, he can be well confirmed through another triennium after the time of supplementation, because the prohibition against choosing a confessor beyond a triennium, inasmuch as it is odious and strictly to be received regarding ordinary election, not extraordinary, that very impediment, although hidden, being subjected to the risk of publication or referral to a tribunal. The Pontiff may have responded as a private doctor, or he has followed a more secure judgment. 3. If a confessor be chosen for a supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, inasmuch as it is odious and strict, is to be understood of ordinary election, not extraordinary; that is to say, if a confessor be chosen for a supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, inasmuch as it is odious and strict, is to be understood of ordinary election, not extraordinary. From what has been said above, it does not sufficiently appear, just as it appears from the oracle 6. Pius V. If a Confessor is chosen for supplementation, he can be properly confirmed through another triennium after the time of supplementation, since the prohibition against choosing a Confessor beyond a three-year period, as odious and strict, should be understood concerning ordinary election, not extraordinary one; it appears and has been demonstrated by so many Decretals S; C. Decisions of the Apostolic See and constant practice for six.

Penitentiaria. To the reason, however, of the opposite opinion it is responded, if a Confessor be elected for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against electing a Confessor beyond three years, being odious and strict, should be understood concerning ordinary election, not extraordinary.,which is that, if a Confessor be elected for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against electing a Confessor beyond three years, being odious and strict, should be understood concerning ordinary election, not extraordinary. The Council desires the assistance of the Parochi and witnesses, for proving the valid

validity of Marriage according to external appearance; cum at §65. Lib.

VI. Treatise. Sixth. On Marriage. prior to this tract, marriage is already externally regarded as a valid contract; hence the reason why the aforementioned assistance is no longer required.

Question. II. How, and when an impediment is understood to be hidden, since in the Letters of Blessed Poenitentiarie it is said: But is an impediment hidden? Therefore, this too, concerning Penitence. D. 1 v.

Secrets are considered occult when they were made in the presence of five persons, because (as it is said), "if a Confessor is chosen as a supplement, he can be well confirmed through another three years after the time of the supplement; for the prohibition regarding not choosing a Confessor beyond three years is to be accepted with strictness and aversion due to ordinary election, not supplementary. It does not naturally seem probable such as are mentalities." Wherefore he concludes that if a Confessor be chosen for supplementation, it may well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is to be strictly and odiously received in regard to ordinary election, not extraordinary; that some crime may be said to be secret, if it suffice not to be public among the greater part of the City, Vicinity, or College where hardly ten persons dwell, and the same they feel. D. 41 sess. 3 n. 6. . 8 c. io q. 9- . 1 c. 8o n. 5. 3 D. 3g num. 8. See the aforementioned article number 503 v.

Here however. Beneficently however he observed; for if in a parish there were a thousand people, it would be wrongly said that that secret deed had been done, if a Confessor be chosen as a supplement, it could indeed be well confirmed by another three years after the time of the supplement, because the prohibition concerning not choosing a Confessor beyond three years is, like the odious and strict rule regarding ordinary election, not extraordinary. They make four hundred or five hundred [years]. In our present case said sentence 2. D. 37 n. 11, cum quia tunc sequerentur eadem inconvenientia, qua olim sequiebantur ex matrimonio clandestino; nam, probato impedimento, post contractum matrimonium posset alter conjugux alias nuptias inire.

But rather more commonly others say that it should be as stated in 6 p. 3 n. 815 when only a prudent danger is present; if a Confessor is elected for supplementation, then it can be sufficiently confirmed by another three years after the time of supplementation, because the prohibition of not electing a Confessor beyond three years, given its odious and strict interpretation concerning ordinary election rather than extraordinary,

should be referred to an external tribunal; and similarly in D. 34 n. 55 while explaining from the Penitentiary, Nammodò hidden impediment Chapter III. Dub. III. Of Hindrances to Matrimony. 107. it is said with Lop., and Manuel, that which is called hidden, if a Confessor be chosen for supplementation, can well be confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond a triennium, inasmuch as it is odious, strict, and to be received as such regarding ordinary election, not extraordinary, is not public concerning a greater part of Parochia, Vicinitas, or Collegii.

Wherefore rightly concludes N. SS. P. Be- Benedict XIV. et Thesauro, tunc Confessario abstinendum esse a exequendo Dispensationem, quando ex circumstantiis prudenter conjicere potest, Impedimentum ex occulto posse fieri publicum. Moreover, he says with those same [persons], and Siro, that an impediment per se can be called hidden if it is known to six people in the town, in the city seven or eight, provided that it has not been made public by them. But it is tested by Fagn. l. c. n. 118.

Let the Penitentiary preserve this practice: when a crime is known to only four or five persons, it dispenses from it as if it were an occult impediment; but I know that the Penitentiary has dispensed regarding an impediment of consanguinity which is known to about ten persons. He also notes in nu. 120 that this means to be understood when from S. Poenitentia it is said simply occultum in the clause, unlike if it is said omni modo occultum, as is usually stipulated in the impediment of crime; because then it justly says that not a crime should be called occult, if a Confessor is chosen for the supplement, and it can be sufficiently confirmed by another triennium after the time of the supplement, since the prohibition concerning not choosing a Confessor beyond three years is to be understood with odious strictness regarding ordinary election, not extraordinary; which can be proved by two witnesses. On the contrary notes the aforementioned Benedict, n. 42, with Leo, Bon. The it.

Girib. and many others, if someone is chosen as Confessor for supplement, can be sufficiently confirmed by another three-year period after the time of supplement, because the prohibition against choosing a Confessor beyond a triennium, in so far as it is odious and strict, should be understood concerning ordinary election but not extraordinary one; which at some point could constitute a material public crime, namely if public for the neighborhood, yet formally hidden, that is to say, if it is unknown whether from this connection an affinity impediment may arise, and then a presumption can obtain permission for a Dispensation from the Holy Penitentiary. Question. III. Whether the marriage should be revalidated before the parish priest and witnesses, if at the time of contracting the

marriage themselves they were conscious of impediments?

Saint Thomas affirms in 1.8 D.73 n. 10 with Henry: and the same is felt by Croix n. 815 cum d. 24 dub. 10 n. 84 et 1. 8 c. 7 § 3 n. 10, also Gob. et alii among those mentioned by Croix ibid., because the assistance of the parish priest and witnesses was prescribed by Tridentine, not so much to testify to the validity of the marriage, which may be unknown to them in many ways; as to approve the external celebration of matrimony, so that the risk might be avoided lest the same spouses contract another marriage. Both opinions are probable; but the second seems more probative: for the Council in session 24 chapter 1 requiring the presence of the parish priest and witnesses already expresses the reason why no one should contract marriage fraudulently, and least of all indicates its desire that the witnesses be assured of the value of the marriage and its cause. For (as they say), the Church does not bring witnesses to prove the value of the marriage, but rather its external celebration. IV. Quisqui fiet à contrahit Matrimonium, timeatur denique ex justitia illud revalidare per verum consensus?

Asserting. 3 p. 7 § i n. 3. Pont. 1. 8 c. 5 n. 3 c. 3 num. 114 cum Soto: Ratio, quia alius jam tradidit corpus per suum consensum; unde ut servetur aequalitas tenetur fietès consentiens praesumptum per verum consensum corpus suum tradere. They, however, deny more reasonably. i D. ii n. 5 cum et Vil. apud n. 2. Reason, because when a marital contract cannot be dissolved, if one has presumed consent through true consent, there is no longer delivery of the other; and thus no inequality remains; for he who has given true consent remains equally free. And it is as though he had not given any consent at all.

Nevertheless all agree, that a marriage should be invalidated by holding the consentient party to be incapacitated, if otherwise the damages inflicted upon the other by such deceit cannot be remedied through true consent. 314 Question NoneV: Et si unus fietè consensit Matrimonium ex metu, debeat certiorem facere alterum conjugem de nullitate Matrimonii, si postea velit illud revocare et revalidare? The first opinion affirms, and the Pontifical holds this, chapter 24, note 3 with Comit: also in chapter 17, note 72. Reason, because, since in that case there had been no contract concluded; through fear they had acted without consent, or Chapter III.

Doubt, III. On impediments to marriage... it will be said that consent was presumed on the part of neither; but a consent which from the beginning was null cannot recover vigor through the lapse of time. The second, however, more common and true opinion teaches that sufficiency is reached if a Confessor is chosen as a supplement, and it can be well

confirmed by another three years after the time of the supplement; because the prohibition concerning not choosing a Confessor beyond three years, being odious, strict, and to be understood with severity in the case of ordinary election rather than extraordinary, will have made one consensually agree, or endured fear to place consent. And this is held by the Legs. 1. 2 c. 17 n. 72 et c. 45 n. 67. Andr.

S. c. 12 n. 383 et c. 2 ex n. 36. 1. 2 D. 31 n. 9 cum S. Bonav., Palud. Silv. Ang. Armilla, Tab.

P. Soto, c. 3 n. 118 cum Soto Con., Thom., supplem., q. 47 a. 4 ad 2 ubi dict: Ex consensus libero illius qui praemo capacus est, non fit matrimonium nisi in quantum consensus praecedens in altero adhuc manet in suo vigore; unde si dissaniret, non fieret matrimonium. Therefore, if the subsequent consent persists in the other party, it is sufficient that the coerced one freely gives consent. It is proved from c. Insuper 4. Who accuses the Mother, etc., where in the summary it is thus stated.

Invited to marriage she was subsequently known spontaneously against matrimony; it is not heard of that. The same is found in c. Proposuit 1 de Eo qui dux: there it is said: if a confessor be chosen as supplement, it may well be confirmed by another triennium after the time of supplement, because the prohibition regarding non-choice of a confessor beyond three years, being odious and strict as regards ordinary election, not extraordinary, since some man ignorant took for wife one who was subsequently heard to be a handmaiden, after he had known her carnally; whence he was compelled to treat with her as a proper wife. The same is found in c. Ad id. 21 de Sponsal. where it states: Although from the beginning she had been envious, betrayed, and stubborn, nonetheless because later, living with him for a year and a half, she seemed to consent, and is hence bound to return to him. Therefore, suffices the consent of the party passively suffering the harm, or reputed to be consenting; expressed through conjugal cohabitation, or through cohabitation, together with the previously given consent of the other, for a valid Marriage to come into force. That is to say, in order that the consensu be legitimized by having suffered a legitimate fear, it is required that he know first that the marriage was invalidly begun; as well adverted to 2 D. 36 n. 3. 36 and Tourn. tom. 2 p. 170; with Sylv. et Peyringh.

The reason for our opinion is this: it is certain that if a Confessor is chosen as a supplement, he can be well confirmed by another triennium after the time of the supplement; because the prohibition against not choosing a Confessor beyond three years is to be understood with odious strictness in the case of regular elections and not extraordinary ones. In the contract of

Matrimony, simultaneity of physical consents is not required for the Sons' agreements, but it suffices that the moral consent persists as long as the consent of the other party is given morally. In our case, however, the Matrimony was null because there was a lack of consent out of fear, or pretended consent; hence, since the true consent of the other party has already ceased, and virtually persists through cohabitation, etc., as mentioned infra n. seq., it is sufficient if a Confessor is chosen for the supplement, provided that he can be confirmed by another three years after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, being odious and strict in the case of ordinary election but not extraordinary, requires the expressed or verbal or signified consent, namely through marital copulation or voluntary cohabitation, as taught by Sanch, l. 4 D. 18 n. 2 with S. Thom. S. Bon. It is not hindered to say: If a Confessor be chosen for supplementation, it may well be confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strictly binding on ordinary election, and not extraordinary, that consensus of the other party who was free from fear or fiction has been null; for there being no contract, one responds: if a Confessor be chosen for supplementation, it may well be confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strictly binding on ordinary election, and not extraordinary, that although no contract has been made and the consent of that party did not have effect, yet there was true consent which morally persevered; therefore with itself suffices to validate the Marriage when the consent of the other party who fictitiously consents comes to be added; even as though this one had delayed his giving of consent and afterwards duly gave it.

Neque obstat, ait P. Cuniliati de Matr. § 29 n. 2 et 3, timor, ne pars quae liberum consensum praestitit, si rursus esset requisita de novo consensu, fortè illum negaret: nam hic interpretativus dissensus non est verus dissensus, sed interim consensus olim imperti- tuus jam perseverat. Whatever, however, may be opposed to the contrary, I do not see how it can respond to the aforementioned Canons, especially to the second in c. Ad id, de Spons., where the case was as follows: if a Confessor is chosen for supplementation, he can properly be confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a three-year period, since it is odious and strictly to be accepted in the context of ordinary election, not extraordinary. A certain girl having previously contracted matrimony without her internal consent, and afterwards deeming those invalid on that account, passed to the second marriage; but because she had cohabited

with the husband for a long time as if married, the Pontiff commanded that she be compelled to return to the first marriage, provided that, if a Confessor is chosen for supplementation, it can be sufficiently confirmed by another triennium after the term of supplementation, since the prohibition against not choosing a Confessor beyond a three-year period, being odious and strictly interpretable regarding ordinary election but not extraordinary, which, if a Confessor is chosen for supplementation, can be sufficiently confirmed by another triennium after the term of supplementation, since the prohibition against not choosing a Confessor beyond a three-year period, being odious and strictly interpretable regarding ordinary election but not extraordinary. Doubt.

III. On Objections to Marriage. 11 She had already given her consent to cohabitation: albeit from the beginning (let us repeat the words of the text) she was unwilling and betrayed, yet because subsequently, after a year and a half, they lived together in cohabitation and seemed to have consented, she is bound to be urged to return to him. The Pope, however, did not have a valid reason for the first judgment; namely, if a Confessor is chosen as a supplement, it can be adequately confirmed through another three years after the period of the supplement, because the prohibition against not choosing a Confessor beyond three years is to be strictly and odiously received regarding ordinary election but not extraordinary. In that case, the free consent given by the Man would have been invalid per se, falling outside an competent subject matter: rather, he truly judged that if a Confessor is chosen as a supplement, it can be adequately confirmed through another three years after the period of the supplement, because the prohibition against not choosing a Confessor beyond three years is to be strictly and odiously received regarding ordinary election but not extraordinary. That Man's consent, lingeringly persevering, and thereafter united with the consent by the Woman through his cohabitation provided, has already validated the first marriage, and therefore he decreed that the Woman should return thither. Objection is raised by the Pope.

Declaration of Clement VIII. But to this objection authors of our sentiment respond; a congruent response is made above no. 1110, v. The Pontiff objects, etc. Inquiry. VI. And when the Marriage was null merely on account of some impediment, is it necessary for its revalidation, that each Spouse be made conscious of the nullity of the Marriage upon removal of the impediment?

The first sentiment affirms, and on this point the Pontiffs hold. I 4 c. 24 a n. 2. 71, et c. 2 n. 336; 2 c. 17 n. 76; et Cov. ac 2 D. 35 n. 2, cum D., etc.: Ratio, quia hoc Matrimonium non potest fieri validum neque per primum, neque per secundum consensum præstitum post dispensationem: non per

primum, quia si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Fuit nullum ab initio; tractu temporis validari non potest: non per secundum, quia hic novus consensus non est validus nisi fiat animo contrahendi illo tunc Matrimonium, et hunc animi non habet qui nescit matrimonium prius contractum esse nullum. Vir enim qui tunc consentit ignorantem nullitatem, consentit cum errore, putando se consensere in uxorem jam suam; ergo cum erret in substantia, consensus minimum valent. The second opinion, however, which Rod. and Henr. also hold, maintains that. The second opinion, however, which is held by Rod. and Henry as well as Palud.

Gabr. et alii plures apud Boss. d. c. 2 n. 72, dict, non esse opus ut pars ignara impedimenti monetati de nullitate Matrimonii sed sufficere si aliquis Confessarius eligatur pro supplemento bene possit confirmari per aliud triennium post tempus supplementi quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accepienda est de electione ordinaria non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento bene possit confirmari per aliud triennium post tempus supplementi quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinaria. Ablatio impedimento pars quae conscientia illius consen sum ab altera accipiat. It is proven from Decision 687. The Roman Rota at 332, there was thus stated: Because, when pluralia are said of him, the Lord be with you, and pray for me. If a Confessor is chosen for supplementation, it can well be confirmed through another triennium after the time of supplementation, since the prohibition against not choosing a Confessor beyond a three-year period, as odious, strict, and to be understood from an ordinary election, not an extraordinary one, does not obstruct consanguinity impediments, thereby remaining in your said marriage contract or publicly preserving the form of the Council to newly contract, freely and lawfully you may do so, we dispense with Apostolic authority. It is confirmed by two reasons, because prior consent, although lacking in its effect on account of an impediment imposed by positive law, nevertheless was valid according to natural law, since it had been given towards a person capable by natural law to contract, as wisely considers Benedict.

XIV. Whereupon it follows that if a Confessor be chosen as a supplement, he can well be confirmed through another three years after the term of the supplement, since the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood of

ordinary election rather than extraordinary; which, if a Confessor be chosen for supplementation, can well be confirmed through another three years after the term of supplementation, because said prohibition against not choosing a Confessor beyond a triennium, being odious and strict, is to be understood concerning an ordinary rather than extraordinary election. This impediment is removed by dispensation on one side; persisting with the consent of the unaware spouse as virtually ignored through the use of Matrimony, namely through conjugal copulation, voluntary cohabitation, and other external signs proceeding from such consent: and when consent comes from the other side also through internal consciousness of the spouse knowingly expressing at least some external signs of permission, then the consent of both is morally united and the Marriage ratifies. Therefore say the Abbots, and in fact by Clement XI. in a Bull issued on April 2nd, 1701 (as referred to there), certain Marriages nullly contracted among some People called Puecuyes and Quartarones were without new consent ratified. In hac autem re (quidquid dixerimus in prima editione) maximae notandum id, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. declaravit Bened. XIV. In Constitutione... emanata die 27 Sept. 1755, (vide Bullar. t. 4,) ibi cum accidisset casus, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. quidam vir, qui bona fide, sed invalide Matrimonium contraxerat ob impedimentum occultum consanguinitatis, pateret ut illud convalidaretur, non tamen certiorata uxore, propter scandalum separationis, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. timebatur, Pontifex petitioni indulsit, eodemque tempore (vide ibi § 7) declaravit si

aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, pr

These words of the Pontiff: Nam etiam gratia concessa importat dispensationem in radice Matrimonii, quæ a Romanis Pontificibus concedi consuevit urgente magna causa, et quando agitur de impedimento Matrimonii ortum habente, non à jure divino, aut naturali, sed à jure Ecclesiastico; et per eam non fit ut Matrimonium nulliter contractum non ita fuerit contractum, sed effectus medium tolluntur qui ob hujusmodi Matrimonii nullitatem ante indultam dispensationem, atque etiam in ipsa Matrimonii contrahendi actu producti fuerunt. Cæterum ubi non suppetit hujusmodi specialis dispensatio Pontificis, non discedendum à prima sententia; maximè quia in Litteris S. Poenitentiariæ in dispensationibus ad hujusmodi Matrimonia reconvalidanda apponitur sequens clausula: Ut, dicta muliere de nullitate prioris consensūs certiorata, uterque inter se de novo secretè contrahere valeat. Though it says in 8 D. 34 n. 61, and Benedict teaches more probatively on this point in dict. VII. tuus juxta Jurisperitos veram importet conditionem ex l.

A testator. ff. de Condit. et demonstrat. 1116 Dixi extra casum urgentis necessitatis, nam si ex notitia nullitatis Matrimonii prudenter timeri possit periculum mortis, gravis infamiae aut scandali ex separatione secuturi: et ex alia Conjux impedimenti conscius non posset evitare redditionem debiti, tunc potest uti secunda sententia tamquam probabili, quia- eo casu ratione necessitatis praesumptum cum periculo frus-trationis Sacramenti licitum est sequi opinionem tantium probabilem, ut communiter docent. 2 D. 36 n. 7 et 8. If however, Card. in D. 2 n. 681 et 697, 2 c. 17 n. 77. Bonac. question 2 part 9 number 7. Boswell. tom. 1 c. 2 n. 78, cum Con. et Fill. ac .

Indeed (as they say, the one speaking says), in a case of extreme need or urgent necessity, it is permissible to use an opinion that is presumptively weakly probable, because if any Confessor is chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, since the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood concerning an ordinary election and not an extraordinary one; this would be improper towards the Sacrament, but necessity and the good of the Soul are urgent. He nevertheless properly observes 471. Question NoneSeven.

By what fourfold manner can consent be renewed or demanded from an unaware party after obtaining a dispensation with impediments removed? Several modes are assigned by AA. The first manner, if the Bridegroom say: When I wedded, I did not have true consent; now I wish to give it, will you also give yours? This mode is commonly assigned to by DD. and rightly so, and without falsehood, since no consensus being null is a true consensus; thus 2 D. 36 n. 7.

Innoc. XI. The second mode, if one says it: Say, I beseech you, if there had been no our Marriage, do you not intend once again to receive me? Thus from 83, because then already Chapter II.

Dub. III. On the Hindrances to Marriage. Its fifth equivalent is manifested. However, in this manner they oppose today, Pont. l. 4 c. 23 n. 7, and Bossius ibidem: since (as they say) then the Bride by consenting intended to consent to her own good; for the accompanying ignorance does not make voluntative positive, and thus then the consent is not applied, as independence from inducement requires.

This sentence seems to me more correct, unless (I take into account) from that very petition as above mentioned, the bride through ignorance had already come into doubt or suspicion regarding the nullity of the Marriage, for then she would have already given an independent consent apart from inducement. Third mode: if the Bridegroom say: I am troubled with scruples regarding the value of our Marriage; therefore let us renew the consent. Ita Busemb. ut suprà, item ipse enim est sufficiens (secundum quod mihi videtur certum), ut sponsa ponat consensus independentem a praemo; nec impediet hoc si quis confessarius eligatur pro supplemento et bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa et stricta accipienda est de electione ordinaria, non extraordina- ria; hoc modo illa nullitatis matrimonii certam notitiam habere non deberet; nam ut novus consensus valeat, non indiget ex notitia certa nullitatis apponenda, sed tantum ut præstetur consensu independente à praemo. Fourth mode: If thou hadst not married me, wilt thou not now marry?

Italy Busemb. et. c. cum aliis. But this mode is most minimally to be admitted, because in this manner there is not at all a positive consent. Fifth mode: For my comfort I wish to contract anew, and so we countercontract. Thus, according to lib. 4 Decret., cap. 36, n. 3, and cap. 3, n. 124, with Cajetan and others: because through this method no interference occurs in the other knowledge, nor is any doubt about the nullity of the first Marriage aroused.

Sixth mode: If the marital bond, existing from the side of the conscious spouse with a hindrance, be approached by means of a dispensation that has already been removed, intending thus to express a new consent for the marriage to be contracted anew; because on the other side there is a hindrance exercised through the bond with an affection derived from the previous given consent, which persists in effect until then. This mode would suffice then only at that time, when there would not be an opportunity in the modes above announced Lib. 16. VI. Treatise.

VI. On Marriage. besides this, a serious risk of great damage would also be imminent thus: 2 D. 36 n. 9. Tibur. p. 2 Quintus, Author Instr.. per the Nov. . 4 a. 3 num.: 8. item Siro de Leone, and Gribald. among Bened. XIV.

Penitentiary, because (as Tiburt says. Navar. among the works of Benedict states that in this case of necessity it is considered that the Sacred congregation is allowed to relax the aforementioned condition, providing a better way as far as possible for the good of souls, since such a condition would then be morally impossible and which will be commanded for execution. In hoc igitur casu licite potest hunc modum in praxis deduci cum valde probabile sit (ut ostendimus n. 1114) sufficere consensum partis conscia impedimenti expressum per copulam conjugalem cum consensu alterius virtute perdurante. ## DUBIUM IV. ## A quo et ob quam causam possit dispensari in impedimentis Matrimonii? 1118 In quibus impedimentis Papa possit dispensare? 1119 An Papa possit umquam dispensare in iis quae sunt de jure Divino? 1120 An aliquando in impedimentis de jure naturae? 1121 An possit Episcopus dispensare in impedimentis diri mentibus? 1122 Qu. I. A quo, et ob quam causam possit dispensari in impedimentis Matrimonii?

Can a dispensation be granted on account of urgent necessity before the contracting of Marriage? II. After the contract has been made? 1124 Qu. III.

Then is it required that Marriage be a contract in good faith? IV. May a bishop be able to delegate this faculty to another? 1126 Bishops can dispense in all impediments which hinder Marriage according to human law, or which supervene upon Marriage? 1127 May Regulars dispense for obtaining the due? 4128 May they themselves dispense concerning the vow of chastity to contract Marriage under urgent necessity? Book III.

Dub. IV. On Hindrances to Marriage. 117 1129 What are just causes for granting dispensation in hindrances 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

1150 Other sufficient causes are added. An sufficit submi-tti-tur ex speciali concessione: in iis verò, quæ jure Ec-clesiastico dirimunt, potest.

The reason for this is, because a lower authority does not dispense from the law of a superior; nor does a man from the law of nature. I have added, unless by special concession, because in that which pertains to law, the inferior does not dispense from the law of the superior; nor can a man do so in the law of nature. R. 52 and g3. The reason for the latter is, because the Pontiff introduces such impediments: therefore, he can remove what is presumptuous; and indeed only he can do so. » It is asked, whether the Pope can sometimes dispense from Divine law impediments?

To the decision of this question must precede the decision of the general inquiry, namely, whether or not the Pope can in any way dispense in matters of Divine law? In those matters in which divine law has its origin in human will, as in vows and oaths, it is certain among all that the Pope has the faculty of dispensing: for although he does not himself take away the divine law, yet by removing the foundation of obligation which a man has imposed upon himself through a human act, he abolishes the obligation of divine law; see Sanch. 1. 8. D. 6 n. 2. where he asserts, that to be common with . Gravior dubium est, possit Papa dispensare in jure Divino, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac-cipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. ex solo Divino arbitrio derivat?

Threefold is the sentiment. The first one generally affirms, and this is held by the Abbots, and two others are found at no. 5 with . Wherefore he infers that there can be no dispensation in the precepts of not fornicating, not changing the matter and form of the Sacraments, and similar matters; because a transgression in these contains every sort of indecency, which outweighs any other cause; but dispensations can be given in regard to the residence of Bishops, in cases of ratified Marriage, in the consecration of the Eucharist under either species (but we have denied this with respect to D. 2), and similar matters, because just causes can occur in these which outweigh the indecency which the precept regards. The third opinion, however, more common and probable to say, is that no Pope can dispense in matters which pertain to absolute Divine law; this is held by the Pontifex in Book 8, Chapter 3, note 2. In Book 10, Chapter 6, notes 6 and 7, and Decretals, Book 6, Part 3, notes 5 and 6, with Salas, Covarruvias,

and Sylvestre from Question 97, Article 4, where he says: It is congruous in public human law not to dispense except by him who has the authority of the law; thus also in precepts of Divine law which are from God, no one can dispense except God or He to whom Himself specially committed.

This special commission (properly said: Quodcumque ligaveris super terram, vel illis pasce oves meas; for these words, being general in nature, do not contain a special commission), all the more so if someone is chosen as Confessor by way of supplement, may be well confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond the three years following the period of supplementation, inasmuch as it is odious and strict, should be understood concerning ordinary election rather than extraordinary. Such dispensations would be harmful to the unity and stability of the Church in divine law. Very probably they say. D. 43 s. 4 v. The third opinion, likewise Valentine.

Durand, magister, potest Pontificem in aliquo casu particulari non dispensare sed declarare, si aliquis Confessarius eligatur pro supplemento bene possit confirmari per aliud triennium post tempus supplementi quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accepienda est de electione ordinaria non extraordinaria jus Divinum non obliget. Reason, because this power was necessary on account of the variety of human affairs; otherwise, God would not have sufficiently provided for a good governance of the Church. Therefore arriving at the inquiry concerning Marriage, I say 1120 one. The Pope cannot dispense in impediments from the law of nature.contra . 3getcarden. in eamd.

Prop. 1. D. 3 n. 5g1. It does not hinder the Response of Urban VIII that if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, since the prohibition against choosing a Confessor beyond a three-year period, insofar as it is odious and strict, should be understood with reference to ordinary election, not extraordinary. They object (and we have reported this in no. 902), for it is evident from what Cardinal refers there that it was not a dispensation but merely a declaration for that particular case. I say 2: that in some case of urgent necessity the Pope can declare a marriage to be valid, notwithstanding an impediment, if a Confessor is chosen for a supplement, and it can be sufficiently confirmed by another triennium after the time of the supplement; because the prohibition against electing a Confessor beyond a triennium, since it is odious and strict, should be understood in reference to ordinary election, not extraordinary. This they object (and we have already mentioned this n. 902), for it is evident from what Cardenas refers to there that it was not a dispensation but merely a declaration for

that particular case; which indeed Clemens XI declared to probably be obstructed by natural law, as we saw n. r115.

It does not hinder this, if a Confessor be chosen for the supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, as odious and strictly to be accepted in case of ordinary election, not extraordinary, is probably opposed by the law of nature according to what Clemens XI declared, as we saw in n. r115; D, 6 n. 10, namely, that the Pope may declare such a marriage valid under extreme necessity, notwithstanding any impediment, if a Confessor be chosen for the supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, as odious and strictly to be accepted in case of ordinary election, not extraordinary. VI. Treatise. VI.

Regarding Marriage. Such impediments and doubts neither can be dispensed nor declared, if a Confessor is chosen as a supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, insofar as it is odious and strict, must be understood with reference to ordinary election, not extraordinary. This very same does not hinder the validity of the Marriage, for (as stated) if this path were opened, such dispensations or declarations might easily be conceded in the Church, and thus many material adulteries could occur. For it is answered that if a Confessor be chosen for supplement, it may well be confirmed by another three years after the time of supplement, because the prohibition against choosing a Confessor beyond three years, as odious and strict to be received in regard to ordinary election, not extraordinary, does not hinder the value of Matrimony; since (as said) if this way were opened, easily such dispensations or declarations would be conceded in the Church, and so many material adulteries might happen. For when the Pope declares impediment not to obstruct in such cases, then let him act as universal Doctor of the Church, in whom it is impossible to err and by whose opposite assertion great temerity could not be excused; as he says Benedict. XIV. de Synophandi Veracris. To doubt after the Pontiff has dispensed is equivalent to sacrilege.

"1." The bishop in impediments dirimentes matrimoniae jam contracta non potest jure ordinario dispensare, nisi ex tacita concessione in caso necessitatis, quando consequentia concurrunt: 1. That a defect may be dispensed with. 2. That it may be hidden, that is to say, not notorious or divulged. 3.

That on another part at least the Marriage may be a contract made in good faith. 4. That there may not be an easy access to the Pope; thus it is so ordered. » By decree 43 section 6. When however a contract is concluded through covert dispensation, the Bishop cannot confirm his own previous dispensation.

R. 40, ex Præp. . 5 tr. 10 p. 4 c. 6 et 1. 1 t. 4 c. 22. 280. Preparatio in Legem, E. 14 c. 4 thinks that a Bishop may at times, in an extremely urgent case, by reason of necessity deemed absolutely necessary to avoid grave infamy or grave scandal which otherwise could not be encountered, do so with tacit permission from the Pope. » Question NoneI.

Whether a bishop can dispense from some impediment removing itself before the contraction of marriage, through urgent necessity? See what is said in that [work] at 1: 6 n. 512 v. But here, where we sustained an affirmative judgment in accordance with Chapter III. Doubt.

IV. On Obstacles to Marriage.... 121... according to common Decrees (contrary to Bus., as aforementioned), provided that true necessity demands it, for example, if otherwise there looms the danger of death, or if marriage is necessary to legitimate offspring, or to avoid the female's infamy, or other harms; or if a noble woman (as the Ratio states, because in such a case either the Pope himself is presumed to dispense, or altogether the reservation ceases, exemplified in canon 2 on Dispensation. Where districted: We forbid that anything be joined in conjugal union before the time prescribed by the Canons, unless some very urgent necessity intervene, so that such a union might be tolerated for the good of peace. If a confessor is chosen for supplementation, it can be suitably confirmed through another three years after the term of supplementation, because the prohibition against not choosing a confessor beyond three years is, like the prohibition on ordinary election, very odious and strictly to be adhered to in extraordinary elections; verbatim Pontifical 1.8 c. 13 n. 6 et n. 11 are interpreted as referring to true dispensation, saying that this tolerance is not permission but approval. Addit R. 2 cum Pig-nat., quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria., etiamsi impedimentum fuerit publicum possit Episcopus dispensare, quando easdem interveniunt rationes, quae sufficiunt ad dispensandum in impedimento occulto.

But I scarce ever think that such an opinion could have any place in practice, because when there is a public impediment, the reason for scandal ceases if the Spouse withdraws from such Marriage; nay, on the

contrary, in order to avoid scandal they are bound to abstain from marriage. Question. II. May a bishop at some point grant a dispensation regarding an impediment removing after the celebration of Matrimony?

They deny it. Heart. Mediationes et I Decretale, caput 40, nota 2, quia (ut ajunt) Episcopi nihil possunt in lege Pontificis. They commonly affirm that DD. ca- su, where there would be no easy access to the Pope, and moreover a danger looms of death, or infamy, or scandal if the spouses separate, or of incontinence if they do not separate, it is thus understood.

T. J. 1. 3 c. 27 n. 7. Nat. . a. 13. Reg. 10. 2. . 4 p. ult. § 1 n. 7. 12 n. 13. . l. 2 D. 42 n. 3, cum etc. Cornejo, et Henr. ac Escob. l. 27 n. 682, cum traditam. But Benè noticed Croix in book 7, note 143, and Pœnitentiaia: then the Bishop cannot dispense, although (as stated by Croix in book 6, page 3, note 835) several fornications are temporarily counted as such.

They are called material, because (as we said regarding Pœnit. n. 611, with common decrees whereupon Si autem is added, with Sylv. against P. Conc.), if Husbands and Wives are in good faith, they should remain in such, when danger of infamy, scandal, or immorality exists, if they are warned about the nullity of Marriage. 124 Question NoneIII. In the aforementioned case, in order that the Bishop may grant dispensation, it is required that if any Confessor be chosen as a supplement, he can properly be confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is to be understood odious and strict with regard to ordinary election, not extraordinary. Was marriage a contract in good faith?

It is certain that good faith is not required on the part of either [of the parties], as commonly they say. 2 D. 40 n. 4. Pope's [Bull] chapter 13 note 4. Merbes tome 2 page 494 question 5. Reason: first, because the good faith of one person suffices for legitimacy; second, because the malice of one person ought not to harm another.

A doubt arises, whether a Bishop can grant dispensation if both parties have contracted in bad faith? They affirm in Dict. c. 14 n. 9, saying that although they culpably entered into the contract, the Pontiff is not then presumed to reserve dispensation to himself with such danger. But most commonly and truly is denied by Pontifical Decree n. 4, l. 27 n. 687, n. 4: If anyone knowingly enters prohibited degrees for Matrimony before Cap. III. Dub.

IV. On impediments to Marriage. Having received, let him be separated,

and lack care for obtaining a dispensation;... for he is not worthy who easily experiences the benignity of the Church, whose salutary precepts he has contemptuously despised at random. Then because another occasion would be given, that daily marriages might be celebrated with hope of dispensation, they despised the impediments. That a person may be said to have contracted in bad faith, it is not sufficient that he knew the act; it is required that he know it if, for the supplement, a Confessor is chosen, another three years can well be confirmed after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, as odious and strict as it is accepted concerning ordinary election, not extraordinary, has induced this impediment; so far and thus contra Aversa.

They add in the same place, that it is not sufficient if a Confessor be chosen for the supplement, and well confirmed by another triennium after the time of the supplement, because the prohibition of not choosing a Confessor beyond three years is odious, strict, and to be received as an ordinarial election, not extraordinary; this, they say, which is confirmed by a second triennium after the time of the supplement, because the prohibition of not choosing a Confessor beyond three years is odious, strict and to be received as an ordinarial election, not extraordinary, since there has been gross ignorance, for truly it is not said to do knowingly (as the Council speaks) who does anything in gross ignorance, as is taught by the presumed Fourth. Afterwards, if ignorance be so gross as to appear temerity, according to what they add. Likewise, it must be said in the same manner, if the Spouses voluntarily omit the Proclamations; for then, even though they may have contracted a nullity of Marriage through ignorance, a Dispensation is to be denied them, as the Tridentine Council says in the aforementioned place: if he has ignorantly done this, that is, if he has neglected certain requisites necessary in contracting Marriage, let these same things be subjected to penance. Question NoneIV.

An episcopus, in caso quo potest per mente impe-125dimento dirimente dispensare, possit hanc facultatem alteri delegare? They deny it. D. 4o n. 13 quia (ut ajuat) Episcopi nequeunt hujusmodi facultates delegare nisi ipso haec potentias sit specialiter concessa; idque probant ex Liceat, ubi conceditur Episcopis facultas absolvendi à casibus Papalibus, et ibi explicatur per se vel Vicarium; ergo ut Episcopus possit delegate hujusmodi facultates eget speciali concessione. But commonly they affirm Pont. 1. 8 c. 13 n. 5.

Pal D. 4 paragraph ultimate section 1 number 13. Bar. Es- cob.1. 27 n. 605. c. n. 14, cum Ang. et Lop ac et Henr. And this (as they say, 16, and the cc. with Aversa, and Gutt.) not only for a particular case, but also for

all occurring cases, both present and future.

Reason, because since this power is not annexed to person but to dignity and office, it is not said to be delegated, but ordinary; and hence it can be properly delegated, as we have said regarding Et in his and 193. Nec obstat Concilium I. c. nam respondent cum Guttier. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. The Council intended by this merely to explain that the Vicar does not have this power ex generali commissione Vicariatus, but egreditur speciali commissione Episcopi; sed non voluerit denegare Episcopis hanc facultatem delegandi. 126. Resp. 2.

In impediments non dirimentibus pos-sunt Episcopi dispensare universaliter Si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. addo,, quia excipiuntur illa, quae in jure naturali et divino impediant, ut votum castitatis absolutum et perfectum, vide dicta n. 986 et 987) et sponsalia priora: ut habet 4 d. 2 nu. » 30 from .7 D. 17 n. 8. The same applies. 2 c. 10 n. 306. . 5 c. 10 par. 4 c. 15 n 2 sub finem. Similarly, the Bishop can dispense in impediments which hinder Marriage and impede the legitimate petition, for example, spiritual affinity or consanguinity.

Good. But those who have been approved, namely Benedictines, Mendicants, and all others sharing in their privileges, as stated in D. 8 num. 3 et 8. Pont. lib. 8 c. 13 in fine, 18 et Aversa, et Candido-, de licentia tamen suis rum Provincialium, dispensare ad petendum debent Cap. III. Dub.

IV. On Objections to Marriage. 125 even conjugally, on account of the knowledge of the consanguineous spouse in the second degree, it is so; however, nevertheless itself not at all an objection » as such. V. Mar.

Perez from 44, section 7, number 13. I said, Provincial, because if a Confessor is chosen as a supplement, he can be suitably confirmed through another triennium after the time of the supplement, since the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and to be strictly received regarding ordinary election, not extraordinary, allows for such confirmation after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and to be strictly received regarding ordinary election, not extraordinary. In general, this is refuted by Diana p. 3 t. 2 res. 14.* (See what was said in n. 1076 v. Furthermore. Question: Hereby inquire whether Regulars may be dispensed from vow 128 of chastity to contract marriage, if urgent necessity demands it, namely, if the weddings cannot be postponed otherwise and a danger of infamy or scandal looms elsewhere?

Commonly do Docents DD teach that confessors among the Mendicants and other Religious can dispense with privileges in all vows in which Bishops by right ordinarily can dispense with their subjects, according to numerous privileges namely Innoc. VIII. In a certain Bull, which refers to Rodriq. and Martinus V. Eug. IV.

July II. Pauli III. et (if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood concerning ordinary election and not extraordinary, which extends to presumed vows), thus 4 D. 34 n. 4. Pontificalis libri VIII caput X numeralis IX capitulum XL numero 134 pars XIII numeralis VII. Sporer de Voto, c. 2 n. 54. . n. 274 et Lopez, Arag.

But as regards Regulars, they can dispense before or after marriage with regard to the vow of chastity in order to fulfill the debt. But it becomes doubtful whether in the case of urgent necessity, bishops (according to what is said in Voto I. 3 n. 258) can dispense. Notification. II.), whether Regulars may presume to dispense from contracting Marriage?

The first opinion affirms, and this is held by Reiffenst., l. 5. Vidal, on Votive matters, Inquisition 3, n. 77. Anton. à Spir. S, tractatus 2, decretum 3, nomenclatura 84, ita: Bassæus, Henrincx, Crousers etc., et Elbel, tratado 2, de Voto, pagina 90, nomenclatura 279 (qui putat probabilem; et alii apud ibidem), qui pa- riter vocant probabilem.

Reason, because Bishops dispense in a vow of chastity out of necessity according to the ordinary canonical law, as stated shortly in n. 1125.

Wherefore he regulated who can grant dispensations in all vows; in which the bishops, according to their ordinary jurisdiction, dispense, they can likewise presumptively dispense out of urgent necessity. The second opinion, however, is more common and denies this; and those who hold this are . 2 D. 40 n. g. Pont. 1. 8 c. 10 n. 11. . 74. . 1 p. 12 num. 7. . 4 tr. 4 c. 8 n. 17. . 3 c. 16 § 4 n. 54 et Leand.

Diana, Lez. Bardi, Prado, Moya, et; sed in necessitate Episcopi non dispensant jure ordinario, sed extraordinario et per accidens, eò si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac-cipienda est de electione ordinaria, non extraordinaria. hoc agitur de casibus, non ordinariè, sed extraordinariè contingentibus. But the Adversaries respond, if a Confessor be chosen for the supplement, he may be well confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond the triennium is odious and strict as regards ordinary election, not extraordinary; but if such a case should arise from an extraordinary contingency, it must be said that if a Confessor be chosen for the supplement, he may be well confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond the triennium is odious and strict as regards ordinary election, not extraordinary. Bishops dispense according to exceptional law, for they possess presumptively ordinary power in these cases, since it is annexed to their office and dignity.

And yet I dare not reject the first opinion. Resp. 4. That a legitimate dispensation in impediments which remove disabilities requires a just cause, such as is secondarily given by grace according to Gr. 1. The extinction of a great lawsuit, or hatred between nephews and nieces.

Removal of scandal. » 3. The inequality of marriage is such that it is contracted either with persons who are not consanguineous, nor affines. 4. Deficiency of a competent dowry.

» 5. Preservation of faculties in the same kindred. 6. The conservation of faculties within the same kind. The merit of the petitioner for a dispensation.

Plures vide ad locum 19. Coninch. d. 33. Hurtad. d. 26: "Mar." Perez d. 44 sect. 5 ubi notat 1.

As much as consanguinity or affinity is closer, so much more require a graver cause. 2. Often several interwoven causes suffice, none of which would suffice individually. See also Resp. 5. If anyone doubts whether there be an impediment removing, e.g., that of contracting Marriage with a certain person, and employing sufficient diligentia, he cannot understand the truth; it is probable that this can be done without dispensation (unless some presumption stands as an impediment), because possession is reckoned for freedom in contracting.

Sanchez, Sancius, Franc. Lugo, Bard. d. 6 c. 11 p. 7 § 11 (contra. .) * (Sed v. dicta n. 902. Qu. III. v.

They say, where we held otherwise against it. * Besides the causes which Buserius brings forward for legitimate dispensation, there is added to the contract: and even malicious intent, if the Marriage has been consummated, or there exists a reputation concerning conjugal intercourse. Moreover necessity for assistance, as when a woman, by reason of her husband's defect, is unable to assist in lawsuits, or provide for her children. Item age feminae transcendens annos viginti quatuor. Item peril, perversionis a fide.

Item subministratio majoris pecuniae: scribit Concilium, pag. 348 n. 9, hanc causam pecuniae sibi displicere, ut propter eam dispenset Ecclesia in impedimentis: miratur enim, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. postquam Tridentinum dixit: Dispensationes gratis esse concedendas, Doctores assignent pro causa dispensandi; si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. illæ non dentur gratis. But commonly the AA. admit this cause as . 8. D. 19 n. 35. . 4 p. ult § 2 n. 2. et Papa Benedictus. XIV. When all their hopes are placed in works of piety alone; and since such a monetary contribution for the support of the poor is forthwith deemed a sufficiently just cause, that the Church may dispense frequently as it commonly accords congruently.

It is no hindrance if a Confessor is chosen as a supplement, and it can be satisfactorily confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is to be received with odious strictness in the case of ordinary election, not extraordinary; heretics must groan under this, as P. Concina

objects. For it plainly unjustly groans under it. However, to be noted 1., if a Confessor be elected for a supplement, he may well be confirmed through another three years after the term of the supplement, because the prohibition against choosing a Confessor beyond a three-year period is odious and strict in ordination, not in extraordinary election; thus, heretics must submit, as P. Concina objects. For it manifestly unjust that they should submit. Notandum autem 1., si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. ut dispensatio non sit 1131 subreptitia, explicanda sint omnia impedimenta, quae adsunt, item cognatio si sit carnalis, aut spiritualis; item gradus et linea, si sit recta, aut lateralis.

Note that the provided text contains repetitions and errors. The translation preserves these aspects as per your request: An autem sufficiat exprimere solum gradum remotiorem. 128 Lib. VI.

Treatise VI. On Marriage. See entry n. 1136. Question 4.

Note 2: If a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period, insofar as it is odious and strict, should be interpreted for ordinary election, not extraordinary. This is stated in the Constitution Summ. Pontif. Bened. XIV. which begins.

A1 Servitude apostolica (vide in fine libri Decr. The ninth edition declared on the day 10th of March in the year 1742 that the expression of causes and their verification appended to Dispensations pertains to validity. Whereupon also He imposed upon Bishops and others to whom execution is committed, that they explore the truth of the causes expressed in Apostolic Letters. Henceforth many additional questions, greatly useful in practice regarding the matter of dispensation, have been added. Quære enim 1., whether, ceasing the cause of the Dispensation, the Dispensation itself cease?

Affirm, si causa cessat, 'antequam Dispensatio expediatur, vel antequam fiat a Episcopo cui commissa fuerit à Pontifice. But after this, if the cause ceases, even though the Dispensation has already been granted and

performed by a lower authority, such that it ceases before the celebration of Matrimony, the Reason is because, through the Dispensation, an impediment is already removed, or the Law is relaxed, whose obligation being extinct does not minimally revive if the cause ceases afterwards; thus very probably according to Pont. 1. 8 c. 2o n. 3. . D. 4 p. 15 n. 7. . 1. 6 c. 2o a. n 15. et . 1 n. 106 v. However, question 1133, Article 2: What is to be said if there is doubt whether the alleged cause was final or efficient? Whether the cause was true or false?

Resp. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. in omnibus his, et similibus dubiis valida censenda sit Dispensa; quia in dubio standum pro validitate actùs; ità 1. 8 D. 21 n. 20 et 25. Pont. 1. 8 c. 17 n. 41. . D. 6 p. 16 § 4 n. 3. et etc. 1134 Question 3. an, cum petitur Dispensatio pro Matrimonio contrahendo inter propinquos, exprimenda sit copula incestuosa inter eos habita? Common is Chapter III. Give.

IV. De Impedimentis Matrimonii. 129 apud omnes, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Si copula ex parte utriusque fuerit habitata ad facilitatem obtinendam Dispensationem, et copula allegetur pro unica causa consequendi Dispensationem, tunc necessario malus ille animus sit expriemdus, alias Matrimonium erit nullum, quia nemini debet suum crimen prodesse; tantò magis, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. The Pontiff may be moved from there to impose greater penitence or pecuniary composition, so as thereby men may more readily be turned away from such a crime: thus generally 8 D. 25 n. 38. . 4 p. ult. § 3 n. 9 et Idque expressum est in Bulla Innoc. XII. renovated by Benedict.

XIV. per bullam Pastor bonus, § 42 ubi dicitur: Si vero oratores, obtenta dispensatione a Datura super impedimento primi et secundi, sive secundi gradu consanguinitatis seu affinitatis, cum expressione quidem carnali copula, sed tacita, occulta et malitiosa intentio, in ipsa copula habita ad facilitatem obtinendi dispensationis, pro revalidatione hujusmodi dispensationis ad dictam Penitentiariam recurrant, possit idem Major Penitentiarius absolute dispensare cum personis explicite affirmantibus se sub expressa forma miserabilium dispensationum a Datura obtinuisse. When indeed those who have not been dispensed from impediments as if they were paupers will not dispense, unless first freely resolved in Datura concerning the matter of alms to be bestowed, with precise arbitrium defined by the same Major Penitentiary. They say, however, 1. c., as in the case of Hurtado, that confessors are not bound to consider the aforementioned malicious intention if it was merely conceived in the mind, because (as they say) then the crime of that depraved soul is not subject to the power of the Church. But I do not acquiesce to this opinion; for here it is not a question of penance, but of dispensation, which the Church can well refuse to grant if there has been a crime of evil intention; and the Church can exclude from the concession of indulgences those who do not perform some inward work, as they teach in section 52, number 5 n. 5, and Bonaventure on Indulgences, De Indulg., D. 6, q. r. p. 5 number 29, with others.

However most certainly they say Probabilissimè verò . 130 Lib. VI. Treatise. Sixth.

On Marriage. But returning to the sought-after point, others say that Matrimony is valid, if the Spouses have left aside the circumstance of cohabitation in their supplication, if that circumstance has been precluded without any wicked intention of more easily obtaining Dispensation, according to Pont. 1. 8 c. 17 num. 32, and Perez, Hurt. Vega, 1. 8 c. 25 num. 8. . 1 tr. 4 c. 22 n. 18. . 4 p. ult. § 2 n. 4 item Con. Diana, Gutt.

Repentance number thirty. And concerning this there is no longer any doubt today from the Bull cited. A good Pastor. XIV, § 41, ubi dicitur: Si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Si obtinuerit à nostra Dataria Dispensationem super gradu prohibito, in praemo et secundo, vel secundo tantum, ac praesumptum tertio vel quarto cum reticentia copulae inter eos secutae, quam sine honoris detrimento detegere non valeant; possit idem Major Pæni tentiarius, si copula sit adhuc secreta, hujusmodi Dispensationem, seu respectivè reconvalidationem in fora conscientiae

tantum concedere; facta, quando agitur de praemo et secundo, vel secundo tantum gradu, compositione 50 ducatorum auri de Camera ad Datariam transmittendorum, nisi prior gratia expedita fuisset in forma pauperum.

Consider these points: if a Confessor be chosen for supplementation, it may be properly confirmed through another triennium after the term of supplementation, because the prohibition against choosing a Confessor beyond a triennium is especially odious and strict in the case of ordinary election, not of extraordinary one. That said, if a Confessor be chosen for supplementation, it may be properly confirmed through another triennium after the term of supplementation, because the prohibition against choosing a Confessor beyond a triennium is especially odious and strict in the case of ordinary election, not of extraordinary one. The Pope saying this, may concede reconvalidation, provided that such marriage contracted with such reticence does not have validity; all the more so if a Confessor be chosen for supplement, which can well be confirmed by another triennium after the time of supplement, since the prohibition against electing a Confessor beyond three years is to be strictly and odiously received for ordinary election, not extraordinary. For this reason, if a Confessor be elected for supplement, it may well be confirmed by another triennium after the time of supplement, since the prohibition against electing a Confessor beyond three years is to be strictly and odiously received for ordinary election, not extraordinary., in these grades, the dispensation mentioned above, on account of solution, shall be more difficult to obtain. Q. 4: Whether a more remote degree of consanguinity or affinity can be manifested by reticence regarding a nearer relative? They affirm. 8 D. 24 n. 28.

Pont. 1. 8 c. 17 n. 26 etObservandum 2. That they conclude from what follows— Cap. III. Dub. IV.

On Hindrances to Marriage. 151 from the Motu Proprio of St. Pius V. Most Holy, where it has been said that if a Confessor is chosen as a supplement, he can be sufficiently confirmed through another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period should be understood with aversion, strictness, and severity in matters of ordinary election, not extraordinary election; for if someone is chosen as a Confessor as a supplement, he can be sufficiently confirmed through another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period should be understood with aversion, strictness, and severity in matters of ordinary election, not extraordinary election. Dispensation sine gradus proximi obtenta (nempe si sponsi sint conjuncti in quarto et tertio gradu) de subreptionis vel obreptionis vitio notari non possit, obtentis

tamen postfacto litteris declaratoribus super propinquiori. Wherefore they say, if a Confessor be chosen for supplementation, it can fittingly be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond three years is to be strictly and odiously understood concerning ordinary election, not extraordinary; namely, that if a Confessor be chosen for supplementation, it can fittingly be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond three years is to be strictly and odiously understood concerning ordinary election, not extraordinary. Thus this.

Letters (by which it is declared that if a Confessor be chosen for supplement, he can conveniently be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood with regard to ordinary election and not to extraordinary, that is, if a Confessor be chosen for supplement, he can conveniently be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood with regard to ordinary election and not to extraordinary) require only that degrees of propinquity do not impede Marriage in the external forum to avoid scandal, but not if no scandal exists. Hence, against Conrad and Tourn. XIV. In breve, Etsi matrimonialis dato 3o Sept. 1755 (vide in Bullar. to. 4 p. 346 § 6.) Matrimonium esse quidem illicitum, sed non invalidum; modò propinquitas non sit primi aut secundi gradus consanguinitatis vel affinitatis. Furthermore rightly observed Observ. 2 that if a Confessor be chosen for supplementation, it can be well confirmed through another triennium after the time of supplementation, since the prohibition against choosing a Confessor beyond a triennium is, as odious and strict in the case of ordinary election, not extraordinary, that in mixed degree the sex which is in the preeminent grade should be expressed, because it is more difficult to allow that a nephew wed a niece than a uncle a niece: for a greater disorder arises when a nephew is constituted head of his aunt.

Que. 5 Si quis petat secundam dispensationem in eadem materia post primam alias obtentam, an pri-mam exprimere debeat? The answer is affirmatively given, when the impediment is from the same crime, because a relapsed individual withdraws the Superior from dispensing. Afterwards, if the impediment is not due to any crime, or is due to a different crime; thus chapter 14, notes 47 and 48, with Coninck and Aversa. Question 6. Whether, if anyone has several affinities of the same degree, for example, if he has known two sisters of his fiancée, is he obliged to express both copulas in the petition for dispensation?

They deny Vega, Henry l. 27 n. 747. But they more probably affirm. 8 Digest. 24 lib. 5. Pope [or Pontiff] book 8 chapter 17 section 5 note 5 and Hurtado. Con, Villal, Diana, Leand. 132 Lib.

Sixth. Treatise. VI. On Marriage. and the Roman Tribunal.

Reason, because in the simple it cannot comprehend the mixed; and although these impediments are not specifically different from one another, they are nevertheless numerically distinct. And concerning this there is no longer any doubt today, for it has been declared altogether thus to be held by Blessed [one]. XIV. In Brief, Although matrimonial, as above related n. 1137. And the same must be said about other impediments of consanguinity, affinity of spirit, public honesty, etc., as .

II. c. 1139 Question 7. an si concurrent plura impedimenta possit divisim impetrari eorum dispensatio? Adest triplex sententia. The first opinion asserts this, and those who hold it are Salsi, others, namely, because nowhere is it held by right that one can be required to seek another three years' confirmation after the supplement period if a confessor is chosen for supplementation, since the prohibition against electing a confessor beyond a three-year term, inasmuch as it is odious and strict, is understood of ordinary election, not of supplementary election. For this reason, impediments are simultaneously exposed. The second opinion denies this, which is held by Sanctus 1. 8 D. 23 nu. 2. Pontificium 1. 8 c. 17 § 4.

Pal D. 4 p. ult. § 3 n. 11. 23 et; et Gutt. item Diana, ac Leand. apud tum quia in uno impedimento cum altero conjuctione difficilius dispensatur. The third opinion is more probabi- lior than that held by the second, in distinguishing and saying that if a Confessor is chosen for supplementation, he can be well confirmed through another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, as odious, strict, and accipienda is de electione ordinaria, not extraordinaria. If impediments are disparate and one does not augment from the other, like vow and consanguinity, or consanguinity and machination, then it suffices to obtain the dispensation separately. Thus if impediments be of such a nature as to entail a greater repugnance to contracting Matrimony, for example, if someone wishes to marry a consanguineous relative whose sister he has dishonourably known; then the Dispensation is rendered more difficult. Coninok et Aversa acceptant: si unum impedimentum esset publicum, et aliud secretum; si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio

de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria; quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria; infamiam possit affere nempe si quis vult ducere consanguineam, cujus sororem occultè cognovit; tunc enim ne infamousur contrahentes possunt divisim petitionem dispensationis habere.

And such is the style attested by Aversa in Chapter III. Dubitatio. IV. On Hindrances to Marriage. 138 Of the Curia.

But this is to be understood as referring solely to a dispensation obtained from the Dataria, for example, on account of public consanguinity with the bride; whereas concerning a dispensation for an hidden impediment due to union with her sister, according to our judgment, they should at least in their petition to the Penitentiary set forth such impediments together, since having set them forth together already, as we said, it renders the dispensation more difficult. Ques. 8. Whether, if anyone after obtaining the dispensation 115 regarding the hidden impediment of affinity with his bride, should again have dealings with the same consanguineous bride before he takes her to wife, would he then need a new dispensation? If the Dispensation has not yet been executed by him to whom it was committed, then all are agreed that they do not need it; thus continues the argument. Treatise. Tome. 2 page. 228 verso.

If however, and so forth, according to Gob. et Quintanad., because the executor can only dispense in impediment of contract, not however in contracting, especially since the faculty is often committed in the Letters of the Sacred Penitentiary with a clause that you may dispense this time. But it is more likely that a new Dispensation is not required, as they say in 8 D. 25 num. 4, with Guttier, c. cum Anacl. et Conrado, who affirm this expressly in their Declaration. S. C. Ratio quia affinitas illa jam sublata est per dispensationem quantum ad hunc effectum contrahendi Matrimonium; et hoc videtur notare clausula illa hac vice si forte verum est, si aliquis Confessarius eligatur pro supplemento bene possit confirmari per aliud triennium post tempus supplementi quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinaria. Quod, si aliquis Confessarius eligatur pro supplemento bene possit confirmari per aliud triennium post tempus supplementi quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinaria talis clausula soleat apponi si aliquis Confessarius eligatur

pro supplemento bene possit confirmari per aliud triennium post tempus supplementi quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinaria nescio. However, the very Penitentiary follows in practice our said judgment, as I myself observed in a certain authentic Rescript of its, published on September 21, 1752, where such was the response.

The Sacred Penitentiary responds to the aforementioned, saying that if a Confessor is chosen for supplementation, he can be sufficiently confirmed by another three years after the time of supplementation, because the prohibition against not choosing a Confessor beyond a three-year period, inasmuch as it is odious and strictly to be understood concerning ordinary election, not supplementary election. That is why, if a Confessor is chosen for supplementation, he can be sufficiently confirmed by another three years after the time of supplementation, because the prohibition against not choosing a Confessor beyond a three-year period, inasmuch as it is odious and strictly to be understood concerning ordinary election, not supplementary election. If an Orator previously had been dispensed from impediment of affinity at the same first degree with respect to contracting marriage with a woman who was present during his current marriage, 134 Lib. VI. Treatise. Sixth.

Of Marriage. And after obtaining grace, and before the celebration of Matrimony, having again relapsed with the supradicted woman's mother, he does not need a new dispensation. And this holds presumptively as regards the dispensation obtained from the Datary and executed in impediment of consanguinity; provided that the dispensation has not been given in forma pauperum; thus Conrad, l. 8 c. 1 n. 51. et . l. 8 D. 24 n. 8 cum aliis. But let it be blessed. XIV.

If through the obtained dispensation from the penitentiary of St. Peter in the forum of conscience, an impediment has been suspended in the external forum, and spouses are not able to undergo probation, and the marriage is thereby constituted as a contract, then I am bound to acquiesce, along with the bishop, parish priest, and judge, to the faith of the confessionary regarding the impetrated dispensation. Question 9. If after obtaining the dispensation concerning a prohibited degree, before it is ordered to be executed, intercourse should occur between the Spouses, a new dispensation is required? Others deny it, as stated in law 8, Decretals 25, note 6.

But more accurately they affirm; for when that is manifested, the Pontiff imposes greater penance and demands a larger composition of money. And thus the Sacred Congregation pronounced presumptuously in May 1635

(according to Pitton. no. 878), where it was said: He who has contracted a betrothal or known a girl carnally through letters containing dispensation from a prohibited degree of consanguinity, and such letters were not presented, cannot remain in the Marriage without a new Dispensation. And this is likewise evident from the words in quæst. 3 n. 1134. Verum probabiliter ait c. n. 5, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinaria licet dispensatio fuerit concessa cum clausula modo culpa non interfuerit tamen si illa habeatur post executionem dispensationis tunc non requiratur nova dispensatio quia sufficit ad ejus valorem antequam illam copulam non interveniat.

Question 10. Whether, if the contrahents be different Dioceses, each one should be dispensed from by his own Bishop? Affirmant Sambovius, Cap. III. Dissenters... IV. On Marital Impediments. Reason 135: Because, when the Bishop removes from his subject an impediment, he renders him capable of contracting marriage with another who is also impeded; it would be congruous if someone had the power to dispense in some degree, by dispensing with his own subject, to presumptuously dispense with a stranger, whence this stranger can then contract before another Pastor to whom the Bishop previously granted dispensation.

Queer. 11. quae sint clausulæ soletis apponi in dis1143 pensionibus à 8. Penance? Clauses I. If so it is said.

In hoc bene ajunt. D. 34 n. 21. Baldess. T. J. 1. 3 c. 27 n. 10, fidem esse adhibendam poenitenti, nisi certè Delegatus sciat oppositum ex notitia extra Confessionem accepta.

But it is decreed . 3. D. 20 n. 18 cum, quod si quis Confessarius pro supplemento eligatur, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa strictaque accipienda est de electione ordinaria non extraordinaria. Si petatur dispensatio super voto castitatis, non sufficiat ad dispensandum sola tentatio vel periculum labendi tantùm semel ite- rum sed requiratur ut vovens sit in periculo sæpiùs violandi votum. But rather Contin thinks more appropriately. II.

He had previously heard the Sacramental Confession. Accordingly to this clause, confession is necessary: and this in no way contradicts it. 8. D. 24 n. 29 ut putet haec clausula non apponebatur, et ideò dixit, non re- quiri

Confessionem, sed ipsemet . Si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Confession would be necessary, if such a clause were appended.

III. Occasion for sin being removed. It is understood that if an occasion exists voluntarily, and a Confessor is chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, insofar as it is odious and strict, should be interpreted concerning ordinary rather than extraordinary election; which if in fact must be abolished; but if necessary, at least let it be removed from the mind by reducing the necessity gradually through proper means, as correctly explains Tourn. d. p. 239 v. Third.

IV. Provided that the impediment be hidden. Regarding this clause, see said n. 1111. V.

Imposed upon him a grave penalty. It is understood according to the strength of the penitent, so that he may well judge the same, Tourn. l. c. v. Fourthly, cum Tiburt. et dict, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. possit injungi ex gratia per sex menses jejunum semel in hebdomada, vel recitatio Rosarii ter in hebdomada, aut frequens Confessio (saltem semel in mense) orationes, lectio spiritualis etc. Si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. si peniten- tia propter crimen, super quo petitur Dispensatio, jam satisfecerit penitentiae, dict Tourn. ibid., illius praeviae satisfactionis habendam esse rationem, unde Confessarius tunc poenitentias in Brevi Romano praescriptas moderari debebit. If however some species of commutation have been granted to the penitent by the penitentiary, namely confession once a month, this must absolutely be imposed by the confessor, as stated.

Tourn. ibid., n. 2 et Ben. XIV. Laceratis prasentibus, sub poena latentis sententiæ excommunicationis. This laceration must be immediately carried out; but understand it morally, namely, at least within three days after the execution of the dispensation; according to what is stated in no. 856.

If however the clause of laceration is not appended in the Letters, as it is not appended when Marriage is not yet a contrallment, then there is no obligation to effect such laceration; but this kind of Dispensation should be cautiously noted by the Parochial priest in a book which cannot be viewed by another, so that he himself may be able to give testimony about the impetrated Dispensation if need arises. Question 12: In what impediments will the Sacred Penitentiary have the faculty of dispensing? To this question: since the declaration which can greatly benefit practice for parish priests and confessors has been brought as a prize of these labours and recorded in Bull XIV., which begins Pastor bonus, issued on 13th (emitted on 3rd April 1692 by) Roman Pontiff. Therein § 39 states thus concerning marriages not yet contracted: In marriages to be contracted, the same Major Penitentiary can in the forum of conscience dispense only over impediments occurring which do not dissolve Marriage. Such impediments, however, are reduced solely to three today (as we said above), namely, vow, Cap. III. Dub.

IV. On Marriage Impediments. 157 betrothals, and forbidden by the Church. As regards diriment impediments, it is thus stated there: But in dispensation concerning any impediment from whatever degree, whether consanguinal or affinal, whether proceeding from a lawful marriage or from spiritual kindred, if in the forum of conscience a suspicion arises only, although the impediment be hidden and the danger of scandals to be imminent, abstain from contracting such marriages. Regarding however impediments in already contracted Marriages § 4o it is said: In marriages however already contracted, by Dispensation or through the reconvalidation of Marriage in grades praemunientiae, and secondly, or secondly only, consanguinity or affinity from a licit copula, presumed in the occultis, let him abstain equally. Otherwise, if in that second-mentioned grade the impediment alleged would have been at least ten years long, and they have mutually publicly contracted and lived together, and have been reckoned as husband and wife, then.

In tertio et quarto gradu occultis, in contractis possit dispensare, atque in iisdem tertio et quarto gradibus publicis possit revalidare matrimonia ex causa subreptionis, et obreptionis occulto Litterarum Apostolicarum nulliter contracta: praeterquodm si falsitas consistat in narratione praecedentis copulae, quae ante reverd non intercesserat. And the reason for this is that in the reconvalidation of a marriage on account of a falsely

reported copulation, no infamy accrues to the contracting parties. Then regarding affinity from an illicit copula § 43 states: Regarding the impediment of hidden affinity from an illicit copula, whenever there is a reasonable cause, even though it does not immerse the danger of scandal, in marriages both contracted and to be contracted in the forum of conscience it can dispense and mandate dispensation. Concerning the impediment of crimes § 44.

Regarding the hidden impediment of adultery, if such a thing has been contracted solely by means of a given promise of fidelity, and neither party has conspired, it can dispense both in marriages to be contracted as well as in those already contracted, in matters of conscientious concern. Si vero crimen fuisset, utroque vel altero machinante, patratum, possit in occultis pariter dispensationem concedere; rard tamen, et quandam necessitas postulaverit ratione alicujus gravis imminentis, 138 Lib. VI. Treatise.

VI. On Marriage. Perils, if a Confessor be chosen as supplement, can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is odious and strict in ordinary election, not in extraordinary one; this matter, prudentia of Major Penitentiary, especially discussed in Congregation and/or Signatura, will be arbitrated. Finally in § 57. Our Holy Father.

The Pontiff confirms all Privileges and Indulgences granted by the Sacred Penitentiary, presuming this, Living Voice of the Law, from other Pontiffs. And the same Benedict refers to Inn. XII. declared Hæc, Vivæ l. vocis Oraculo, all faculties pertaining to the tribunal of S. Pænitentariæ to be conceded, except those which have been excepted by his Bull, Romanus. Furthermore, it must be noted that if a Confessor is chosen as a supplement, he can be confirmed well by another three years after the time of the supplement, since the prohibition against choosing a Confessor beyond a three-year period, because it is odious and strict in regard to ordinary election but not extraordinary, does not require the consent of him for whose benefit it should be obtained even though its acceptance should come later; as stated in Decretal 8 D. 3 ex n. 4 et Qui addunt: if a Confessor is chosen as a supplement, he can be confirmed well by another three years after the time of the supplement, since the prohibition against choosing a Confessor beyond a three-year period, because it is odious and strict in regard to ordinary election but not extraordinary, does not require the consent of him for whose benefit it should be obtained even though its acceptance should come later; if the same impediment affects both Spouses, one dispensation suffices to obtain it.

Secondarily, however, if an impediment affects one independently from another impediment. Notandum 2. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. cum petitur Dispensatio à Dataria, exprimendum sit nomen, cognomen, Diœcesis originis et domicilii tantùm, si Orator ibi habeat perfectum domicilium; item utraque Diœcesis Sponsi et Sponsæ, si ipsi diversas Diœceses habeant. When however a petition is made to the Holy Penitentiary, names and other particulars are silent; but only the person and place where the letters are to be directed are expressed. 147 This refers to the practice of the Confessor noting the formulary of the supplication for obtaining from the Holy Penitentiary a dispensation from an impediment to contracting or restoring a marriage, namely: Intus. To Eminentissimo Reverendissimo Signore. NN., avendo avuto copula con una donna, si ritrova aver data parola di Matrimonio ad NN. sua sorella; e perché l'impedimento è occulto, e non succedendo il detto matrimonio ne verrebbe molto scandalo, supplica perciò Vossignoria Eminenziale.

The Saint is willing to grant him the dispensation. The response will deign to send it to Naples (or perhaps... Chapter III. Dub. IV.

On Marriage Impediments. 159 concerning the postal dispatch from Naples to Nola) at the head of... (herein comes first the name and surname of him to whom it is to be replied). But if a Dispensation for a vow of chastity is requested: NN. if he has made a vow of chastity, but because he is in serious danger of incontinence, then pray accordingly to the Lord. S. a dispensare nel suddetto voto, affine di poter contraere Matrimonio, etc. Ità, si Matrimonium nondum est contractum; si verò Matrimonium jam est contractum, sic scribi potest: NN. ignaro (o con- sapevole) dell' impedimento ha contratto Matrimonio cum muliere, quae prima matrem suam vel sororem carnal- mente coepit cognoscere; unde, essendo impedimentum occultum, et perciò non posse separari sine scandalu, supplicat larem. S. for the absolution, and dispensation. The response, etc. Foris however is written.

To the Most Reverend and Eminent Sir, Lord, and Colleagued Protector. The Most Reverend Major Penitentiary Cardinal. Rome. The delegate to whom has been committed the execution of the dispensation can apply

after the sacramental absolution this very form or a similar one in granting it: Furthermore, with Apostolic authority conceded to me, I dispense you from impediment of the first (or second, or both) degrees arising from an illicit conjunction that you have had (or intend to have) with your brother's sister, so that you may again contract marriage with her, renewed by consent; and I declare legitimate any offspring (that you have fathered or will father).

In the name of the Father, etc. But if the Dispensation be from a vow of chastity, it is said: Moreover your vow of chastity, if any Confessor be chosen for supplement, may well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, is to be understood concerning ordinary election, not extraordinary. Wherewith you were dismissed, that you might contract Matrimony, and use it in works prescribed for you, by dispensing I commute. In 140 Lib. VI. trattatus

VI. Of Marriage. name, etc. If anyone, notwithstanding the vow of chastity, has already entered into marriage, it is said: Likewise, notwithstanding the vow of chastity, if a Confessor be chosen for supplementation, he can be suitably confirmed through another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond a triennium, as being odious and strict, should be understood regarding ordinary election, not extraordinary. If you have issued such an order to remain in marriage and to demand conjugal debt, I dispense with you from this obligation through Apostolic authority. In the name, etc. He who wishes to read the Bull Bonifacium. XIV, ubi præscribitur forma procedendi in omnibus causis nullitatis Matrimonii, videat P. Zachariam ap.

Cross l. 6 p. 3 ad n. 43o, qui illam in extensum refert. The prefated Bull, Dei miseratione, was issued on the 9th day of November in the year 1741. See the presumptuous La Croix l. 6 p. 3 n. 909. BOOK SEVEN.

ON ECCLESIAL CENSURES AND IRREGULARITIES. CHAPTER I. - ON ECCLESIASTICAL BLESSINGS IN GENERAL. DUBIUM I. What is Ecclesiastical Censure? 1.

What is Censure? 2. Does censure deprive one of internal goods? Whether Degradation, or Deposition is Censure? 4. Whether the Cassation from Divine authority is a Censure? 5.

Is it an Irregularity? concerning which see the assumption below n. 351. « Resp. The spiritual and medicinal penalty is that by which a baptized man who has transgressed and is contumacious, through the ecclesiastical power, is deprived of the use of those spiritual goods. . i t. 5 p. i c. i. "*(Note the word medicinalis." And therefore they are not to be excommunicated whose correction is despaired of, unless it be done as a terror to others.

c. i n. 10, cum S. Th.) Undè resolves. 1. By censure man is not deprived of internal goods in any manner, according to the character of grace, through the power of order, nor of his own and private goods: for example, faith, charity, grace, etc. (Nor by the communication of the Saints deriving remotely from faith and charity.) Consider [it] but with regard to certain external and public matters, or actions which have some spiritual effect or benefit, such as sacrifice, divine service, beneficence, administration, and reception of the Sacraments, indulgence, and public prayers of the Church: because these and not those pertain to the disposition of the Church.

Wherefore, if sometimes he is deprived of foreign temporal goods, e.g., by human convictio through excommunication, this is done only secondarily. Exile, prison, servitude, deprivation of benefit, unless accompanied by some suspension of spiritual actions, are not censures, because they are temporal penalties. » 3. Nor is degradation, nor deposition a censure; because, although they are spiritual punishments, yet they are not medicinal but permanent, and inflicted for a past sin, even one that has been amended, *) Thus truly and commonly. (contra Gut. signif. ubi sic habetur: Quærenti, quid per censuram Ecclesiasticam debeat intelligi, cum hujusmodi clausulam in litteris nostris apponimus?)

We respond that if a Confessor be chosen as supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is to be strictly and odiously understood in reference to ordinary election, not extraordinary; hence by reason thereof not only an interdict but also suspension may be understood as a sentence of excommunication. Neither cessation from divine duties, because it is not imposed in the manner of a medicine to remove contempt, but to repel the injury done to the Church. » 5. Nec cessatio a divinis, quia non imponitur per modum medicinæ ad tollendam contumaciam, sed ad propulsandam injuriam Ecclesiæ factam. Nor irregularity, whether it be on account of defect or for any other reason, because this is not penal but merely a canonical impediment; nor if it arises from sin, because this penalty is not inflicted in the manner of medicinal punishment, but as a punitive and self-perpetuating retribution.

Therefore, neither is the censure removed by absolution, but only through dispensation. Bonac. d. i q. i. p. i * (Idem docent. 5 D. i sect 3. » Good. D. i q. i p. i n. 4. 2 p. » 387. i p. i n. 3 etc. (con- » tra etc.) Et huic sententiæ favet » etiam Bened.

XIV. in Epist. See no. 351 to be said. */* 6. When indulgences, or privileges are granted for Jubilees, absolution from censures is given, but irregularity is not encompassed unless it is expressly added. (as had declared the same Benedict.) XIV. 1. c.) ## DUBIUM II. ## How manyfold is the Censure? Six Quotuply.

Censures shall be divided. Is the censure latae grauтиus ab episcopo in synodo perpetua et tamquam latae à jure? Quando reputentur esse latae sententiae censurae? Quando ferenda sunt? « Respond. Divided are they essentially in excommunication, suspension, and interdict. Accidentaliter ineam, quæestàjureetferturperCa-nones, Constitutiones, velStatutaEcclesiastica, stabiliacpermanentelege; eteam, quæestabhomine, quæscilicetferturàjudicevelPrelato, permodummandati, velsententiæjudiciariæ.

It is whatever either particular in respect to a certain individual action or person; or general, which extends to no singular action or determination of a person * (Note: It follows that censures which are carried out by the Bishop in the Diocesan Synod are called latæ sententiæ according to the Statutes; and also that they remain latæ sententiæ according to the law even after the term of the Bishop. Other censures from Synods are said to be latently peremptory precepts, or mandates, or judicial sentences; and they entail death if they cease, whether they be particular precepts affecting some particular fact or person, or general ones not determining any singular act or individual. It is. Question 2, Article 1, Number 1, Note 6.

Cross 1. 7 n. 7 » cum Dicast.) * III. Inequam est sententia laquei, qua tamen sciendum est, ut jus vel judex statuit ipso facto: quemcumque vult g. contralegem facit sine aliam senten - tiaincurrendam: et ineam quæ est ferendae, quam jus aut judex non vitu suo facti incurri sed persententiam infligi pro quibus dignoscen disconsiderandasunt verba quibuscensurafer 144 Lib. VII. On the Ecclesiastical Penalties and Irregularities.

» tur; which, if they include another action or ministry, signify a censure to be pronounced; but a latæ sententiae, if they do not include it. » If however ambiguous are they, the rule 49 of law in 6 may be held valid, so that if a Confessor is chosen for the supplement, it might be well

confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, since it is odious and strict, should be understood with reference to ordinary election, not to extraordinary. For if a Confessor is chosen for the supplement, it might be well confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood with reference to ordinary election, not to extraordinary. In doubt regarding penalties, the benign interpretation should be given. Thus also 2 p. 381. Conclusion tome 10 page 415 note 5 item Fill.

» from no. 18 according to c. Odium, and according to c. In Poenis, De Reg. Wherefore the resolution. » I. It is a later censure of the sentence.

I. If the words are in the past tense or present tense, for example: we have excommunicated, he is excommunicated, he was excommunicated, suspended, interdicted, we want, or command to be excommunicated, suspended, etc. If a participle is added, itself by right, itself by fact, or without another sentence. If the words are imperative modes, such as, for example. Incide in excommunicationem, maneat interdictus, etc. Ratio, quia haec omnia nullius actionem interponunt.

» 2. The sentence to be pronounced is, at least above all, 1. If the words are in the future tense, for example, "he will communicate," "it will be suspended." *(Ità Tourn. d. p. 381 et)* 2. If it is said, he is excommunicated, he is suspended, we wish to be excommunicated. *(Ità Si verba sint minatoria, v. gr. sub poena excommunicationis, sub interdictione anathematis, etc., nisi tamen ex adjunctis aliud colligatur.*

Italian and again Avila, etc., page 381. Item if it is said. We want: to be excommunicated, suspended, etc. If however it is said, Excommunicated let him be, n. 19 hold that excommunication- not to be a latae sententiae; but ibid., etc. they wish that it should be inflicted. Both are probable.

If it is said: "Let him be anathema, n. 9," they say that it should be imposed (contrary to), unless it be done against heresy. If a confessor is chosen for supplementation, he can be well confirmed by another triennium after the time of the supplement, since the prohibition against choosing a confessor beyond three years, insofar as it is odious and strict, should be understood concerning ordinary election and not extraordinary; but if an imperative command is absolutely issued, censure must be pronounced widely, as Bonac de Cens asserts with certainty. D. i q. i p. i n. 7 et communiter docent Sylv. If a confessory is chosen for supplement, it can be sufficiently

confirmed by another triennium after the time of the supplement, since the prohibition against choosing a confessory beyond three years, insofar as it is odious and strict, should be understood concerning ordinary election, not extraordinary. But he says: "When an imperative command is absolutely issued, a censure of general applicability is to be declared, as Bonac de Cens asserts for certain." D. i q. i p. i num. 7 et communiter docent Sylv.

Arts. 7 n. 9.) » ## DUBIUM III. ### Who can bear Censure? and to whom? 9 By what authority can anyone bear censure? 10 They can do so by ordinary power. I. Papa. II.

Bishops, but rather their Vicars? III. Prelate King Valres. IV.

Councils, and Chapters. V. He who holds this by privilege. Who can incur censure from delegated power? They cannot.

Parochi. 2. Laici. 3. Women. 12 How many conditions are required so that someone might be able to endure censure? I.

In order that a man may be able to pass judgment. II Baptized. Three. Tonsored.

IV. Composition of reason. V. Ut habeat jurisdictionem expeditam. VI. Ut liberè agat.

13. Quæ conditiones ut quis possit censura ligari? I. That he may be a man. II. That man may be.

Baptized. III. Composition of reason. Is he an intoxicated person or one temporarily insane? Or a minor capable of sinning by reason of malice? IV.

That it may be subject. Are kings? Are strangers? VI. That it be a determined person as regards excommunication. Is excommunication upon the community valid and licit? Regular prelates are able to inflict censures upon subjects wherever existing. I. Whether an Episcopal person existing outside the Diocese can impose penalties on subjects anywhere. 22 Qu.

II. On the contrary, whether one who is within the Diocese can bind a penalty upon a subject residing outside thereof? 23 Question III. Does a subject who sins outside the diocese incur a latitudinal censure through a precept directed against future sinners? Whole.

VI. 146 Lib. Seven. Of Censures Ecclesiastical and Irregular. 24 Whether monasteries of regulars are places of example? 25 What if it concerns making reparation for a harm? 26 Qu. IV.

May a Bishop impose censures upon the vassal of another in his own Diocese who has committed a crime therein? 27 Qu. V. Is a ban, taken broadly, due to be imposed on foreigners? How can anyone be bound by multiple bans? Resp 1. Every one is able to bear censure, and only the Extern Superior of the Church, who has external contentionio jurisdiction, whether ordinary or delegated, may do so (It is of faith against the Novators that if a Confessor be chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition from not choosing a Confessor beyond three years, insofar as it is odious and strict, should be understood with regard to ordinary election and not extraordinary, which, if a Confessor be chosen for supplementation, can be well confirmed by another triennium after the time of supplementation, because the prohibition from not choosing a Confessor beyond three years, insofar as it is odious and strict, should be understood with regard to ordinary election and not extraordinary.

The Church may have the power to inflict censures by which it can deprive its subjects of spiritual banishments, according to 3 and from the Bulls of Martin V. Leonis X.) 10 » He may delegate the ordinary censure, which is on account of the office, or of another law, to a cleric who enjoys privileges, as Bon. d. 11. q. 1 p. 2. Layng. x. 1. 1. 5 par. 1 c. 3 p. 1. ex c. cum Ecclesiastrum, S. Papa respectu totius Ec- clesiq. II.

Patriarcha, archiepiscopi (Respectu tantum subditorum suae diocesis, non vero diuturn suffraganearum, nisi tempore visitationis, aut nisi causa sit per uppellationem ad ipsos devoluta.) 1 p. 4 ni. 2. Conink. D. 13 dub. 4 n. 31. in 6.), *, Bishops *, (Since they are to be confirmed, let them not have been consecrated, because by confirmation they already receive jurisdiction; n. 29, from c. Transmissam de Elect.) *, and their General Vicars *, (Yet Sayr. 1. 7 n. 24 denies this, but they truly proceed with Del n. 15.) Tourn. 2. p. 388. item. c. Because this pertains to the ordinary power of the vicar of charity, who with the Bishop forms a tribunal, as is stated in the canon de III.

Generales, Provinciales, et Superiores loca relic- gionum. * (Uti praesumptum Priores, Guardiani, Recto- res, ut 2 sect. 2 n. 9. Chapter I. Dub. III.

On Censures in general. 147 "and and obey.) * with regard to. their

subordinate. IV. Congregations of Religions, Provincial Councils of Bishops, Provincial Chapters. "Of certain Religious *(To or From) the Chapter of the Cathedral Church."

During vacancy of the seat, or by the Coadjutor Chapter. "For that reason, etc.;) And Dei que V." Some others by concession, as many Archdeacons, Archpresbyters, and Deans. (Add also that if a Confessor is chosen for supplementation, he can be well confirmed through another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, insofar as it is odious, strict, and to be received seriously regarding ordinary election but not extraordinary, all those who have suffered censures due to common error with a presumptuous title as if they were Superiors, according to 1. Barbarius, ff.

From. See [the text] "Delegatam habent, quibus ea committitur ab ordinarii habente, cujus morte expirat: * (Nisi causa d Delegato jam sit incepta praesumptum per solam ci- tationem, ex c. Gratum de Offic." Deleg.) * neither can a delegate delegate to another, unless he has a special commission for this purpose; as if he were a delegate of the Pope. * (Ex c. 3 de Offic. Deleg. propter privilegium si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. habent Delegati d Pontifice.) ## Undè resolves.

"1." Non possunt potestate ordinaria ferre censusum, 1 Parochi * (Ut communiter Th. D. c. 1 n. 33, cum *) 2. Laici: quia non sunt capaces jurisdictionis Ecclesiasticae: utique et Religiosi professi non habentes primam tonsuram.

Feminae, licet sint Priorisae vel Abbatisse, quia non sunt capaces jurisdictio- nis seu potestatis clavium: quando vero in jure dicuntur posse subjectos sibi Clericos suspendere ab officio vel beneficio, suspensio non accipitur propriè pro censura, cujus violator irregularitatem incurrit, sed late et impropriè pro praecepto, quo 148 Lib. VII. Of Ecclesiastical Censures and Irregularities. Abbess, from a cleric subject to her in some way, prohibits him from celebrating until he has satisfied himself, meanwhile withholding his revenues.

See Bonac. loc. cit., cap. 5, num. 3, p. 1, cap. 3, n. 3. Here diligently to be noted: if a Confessor is chosen for supplementation, it can well be confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond a triennium, inasmuch

as it is odious and strict, must be understood regarding ordinary election, not extraordinary. So that someone may sustain censures, six conditions are required. Require. I.

That he may be a man, at least speaking of ordinary power. Moreover, can the Pope, out of the fullness of power, be able to commit to a woman the faculty of passing judgments? They more probably deny it, n. 19, and according to Palud., the power of the keys can in no way be transmitted to women. Require, II.

That he has been baptized, because one who is not in the Church is not capable of ecclesiastical jurisdiction; so truly: s.e. et III. That he may be a deacon first tonsured, otherwise he would not have the power of spiritual jurisdiction, since he has not yet been constituted in the Ecclesiastical Order. Thus from the Constitutions where the laity are prohibited from treating of spiritual matters. And hence a layman may not be elected to be a vicar substitute for the bishop, according to the DCCD who say: if someone is chosen as a confessor as an addition, he can be suitably confirmed by another three years after the time of the addition, since the prohibition against choosing a confessor beyond three years, being odious and strict in view of ordinary election but not extraordinary, could permit laymen to receive censures through commission from the pontiff; if someone is chosen as a confessor as an addition, he can be suitably confirmed by another three years after the time of the addition, since the prohibition against choosing a confessor beyond three years, being odious and strict in view of ordinary election but not extraordinary, could permit laymen to receive censures through commission from the pontiff; for those who pronounce censures must be ecclesiastics by law, wherein the Pope can grant dispensation: thus n. 19 with comment - Requir.

IV. That it be composed of reason: it is common. View. But it must have an intention, wood of him against whom he pronounces a judgment, according to c. Cum volontate.

If a penance is imposed for three years, if someone is chosen as a confessor for supplementation, he can be sufficiently confirmed through another triennium after the time of supplementation, because the prohibition against not choosing a confessor beyond three years, insofar as it is odious and strict, should be understood regarding ordinary election rather than extraordinary; thus, if anyone is excommunicated at the instigation of a party, he shall remain bound only according to the intention of the party; so it is required. V. That he may have expedient jurisdiction regarding use: hence, an Episcopal person excommunicated, suspended, heretical, or schismatical ought not to be able to inflict censures, according to c.

Exceptionem. Nevertheless secretly a heretic, or one validly and licitly excommunicated, freely administers censures, thus commonly. 14 s. 1 n. 8.

Soto in IV, Q. 9, R. 50, et Cornéji, et Leandri. And the reason is because for the sake of public good, unless it be Primè, from the part of the Confessor, if he had no jurisdiction, or certainly hindered by censure (always and even by itself ought to be avoided, according as if it be tolerated), the Church preserves jurisdiction for him, as said Sayr. in d. c. ad evitanda. Otherwise Corn. etc., according to Ad evitanda, maintain that excommunication may be legitimately enforced publicly with valid censures, unless it is specifically denounced, or administered by a public cleric, as sanctioned in order to tolerate excommunication in matters pertaining to public office, this not being reprehensible nor even those who are aware of it. Require.

VI. That it freely and not under coercion exercises the censure, according to c. Cum voluntate. They affirm nevertheless according to Ugolinus in Verius, II secunda 5 numerus 6. page 11 quinta numen 2. cum Concio et . It is certain, however, that if a Confessor be chosen as a supplement, he can be duly confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, must be understood concerning ordinary election, not extraordinary. For this reason, penance induced through fear is invalid, according to c. Verbum, De Pœnit., see n. 5g et 6o.

Now if fear has been improperly instilled; but according to justice, as Ronic. says in «Resp. 2.» In all, and solely subjects under some ecclesiastical authority may be subjected to censure, because subjection and jurisdiction are correlative. C. c. 3. Wherefore is the solution? Non baptizati non incurvunt censuras, licet sint 150 Lib.

VII. On Penalties of the Church and Irregularities. Catechumens and the dead are excluded from ecclesiastical jurisdiction, because they do not subsist under its power; nor does it matter if a confessor is chosen as a supplement, since another triennium can adequately confirm him after the period of supplementation, for the prohibition against choosing a confessor beyond three years is to be strictly and odiously interpreted in regard to ordinary election, not extraordinary. When some say that the dead are excommunicated: for they are not newly bound, but only the previous excommunication is declared again, and it is forbidden to those alive to deal with them by praying for them, burying them, etc. Similarly, they are said to be released from excommunication when burial and public prayers are permitted for them. Therefore, in order that someone may be bound by

censure, five things are required.

I. That man may be considered; for it is improperly said that brutes are anathematized. II. That a man may be; for improperly brute beasts are anathematised. That he may be baptized.

III. That he may be of sound mind; for children and those perpetually insane are congruent to being incapable of guilt, just so they are also incapable of censure. But they themselves can be bound by a local interdict such that they are to be excluded from Divine Offices: they deny it. 36 sect. 2 n. 7. c. 1 n. 167, cum .) Because they are incapable of punishment. Those, however, who are temporarily devoid of reason, such as those temporarily insane, drunken people, and sleepers, if during the time when they have compos mentis they have given cause, are bound by censures. But whether impubes can be bound by censures?

Resp. If a censure is inflicted in the manner of a precept, all doctors affirm it; but if, however, in the manner of a sentence, they deny it. But still they affirm for the ability to habituate. 1 p. 6 n. 2. 5 sect. 1 n. 19. Croix n. 42. c. 1 n. 168, cum Con., quia, si non per se, tamen saltem per alium se defendere valent.

However, it must be observed that if a Confessor is chosen as a supplement, he can be sufficiently confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, insofar as it is odious and strict, should be interpreted strictly regarding ordinary election but not extraordinary. This is why generally censures are incurred ex lata jure or by a person only if expressly stated in the law; as is expressed regarding the admission of boys into Monastic communities in 25 C. 5 de Reg., where it is said: Of whatever age he may be. The same is expressly stated concerning impubes as persecutors of clerics, from c. Pueris de Sent. exc. Thus commonly Leand. Sot: c. (contra) Dic. apud Croix 1. 7 n. 42. Hinc inert Calestinus, impubares nec vi Monitorii tenêri ad revslandom. 3.

VI. That he may be a subject; but as to this matter, the Supreme Pontiff fifteen times does not dare to bind a census; neither by another, because he has no superior; nor by himself, because he is not bound by precepts as an apis; through compulsion, but only by direction. Exci-po; si Papa sit historious, quia Concilium Generale tunc passu eum cogere per censuras; ex c. Si Papa, D. 40. And thus neither are Bishops bound by censures emanating from themselves: but if the censures be legitimate; they incarnate necessity the Bishops; or Cardinals (that is: Because I am in

danger, send them: ex officio:: in 6.

This however; they say, when they say: dum tata; this is understood with regard to suspension and interdictum, about which there is mention in d. e., but not with regard to excommunication: hoc cui subjacent: Episcopi; etiamsi in lege de iis multa: mentio fiat.. Rege autem, et Regine, quamvis subditi sint 16 Episcopis in spiritu abibus, jure tamen novo non pos- sunt: ligari censuris; nisi a Papa; et hoc ex privilegio; si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria., ad promontoriter abi AA. attribuitur, ut dicon 100 eam S. Anton. . Alvi: etc. 1 n. 1. - An autem Episcopus possit ferre censuras in pere- peregrinos ad: agenda crimina? "Some establish at Croix 1. 7 n. 32, because by reason of the offense themselves have already become subject." But they deny more reasonably those from Lyons: ibid., and others whom we have mentioned as incurring. Notandum tamen, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria.: hoc: Episcopus probabilius non possit: censuram ferre in peregrinum ante mentionem.; possit: tamen: postquam ille deliquerit in hoc et Episcopus eum citaverit, juxta dicenda n. 26.. Require: V.

That a person may be determined, yet 18 understand this: if a Confessor be elected for supplementation, he can be suitably confirmed through another triennium after the term of supplementation, because the prohibition against not electing a Confessor beyond a triennium being odious and strict is understood concerning ordinary election, not extraordinary. For when someone has failed in this and the Bishop has cited him, according to dicenda n. 26., excommunication only. Quire, licet posset suspendi, aut interdici aliqua Civitas, aut Collagium, non potest tamen illud excommunication-152 Lib. VII. Concerning the censures of Ecclesiastical and Irregular nature, as commonly teach S. 5 ad 2: etc. with 169.

Excommunication cannot be inflicted upon any one uncertain from the community who has certainly committed such a crime; in this case the censure is presumed to be null, as noted by the Sentences and Salman l.c., for if it were imposed in the manner of a statute or precept, whereby something should be commanded under excommunication, then there would be no doubt that all transgressors would incur it. It is asked whether an excommunication extended to the community by way of a sentence is not only illicit, but also presumptuously invalid? Resp. If the censure is imposed on some merely transgressors only from the community, certainly

it is null, as all say; but if, upon a thorough examination, it should be found that all the injurious ones of that community are discovered, then lawfully and presumptuously licitly that community can be excommunicated by the Pope; whereas by others it would be illicitly excommunicated by the Prelates, since it is forbidden in canon 6 sed., yet not invalidly, as Av. says.

Henry, c. 1, nu. 171. « 2. Concerning sojourners and pilgrims, those who dwell temporarily somewhere for a brief period are not bound by the censures of places, according to general consent, nor by statutes or decrees: because they are not subject. Even though those who are subject [to a bishop] while outside their diocese, or in a place exempt from the diocese, incur no censure for sinning against the law of their bishop; nevertheless, the superior, at least canonical, can censure his subjects wherever they may be by means of a particular sentence. Heretici, Apostatae, et Schismatici possunt affici censuris, quia per baptismum sunt subjecti Ecclesiae.

V. canon. » 6. Only the Pope cannot incur censure, because he is subject to no one. It is commonly held; if a Confessor is chosen as a supplement, it can be properly confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, since it is odious and strictly to be received in the case of ordinary election, not extraordinary, if a Confessor is chosen for the supplement, it can be properly confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, since it is odious and strictly to be received in the case of ordinary election, not extraordinary. Regular prelates can censure their subjects wherever they may be; thus according to canon 6, chapter 8, number 33.

Croix l. 7 n. 28. tr. 10 c. 1. n. 103 cum Avili Cand. etc. Dubium vertitur si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Bishop: sed hic plures quaestiones occurrunt. Question NoneI.

Can an episcopus existing outside his own diocese be able to inflict censures upon subjects? Excepting certain cases as will be explained

below, resp. negatively, according to c. Episcopi 9, q. 2, and Clem. Although. Concerning the internal forum.

Reason; because in the territory of another one can exercise contentious jurisdiction; thus Pal c. 1 n. 104 with Con. If contumacy be so manifest that it doth not require knowledge of the cause, according to c. Manifesta, 2 q. 1. II. If the cause is already known within its own territory.

III. If a censure is inflicted not in the manner of a sentence, but in the manner of a precept or statute intended to prevent future crimes. IV. If the Bishop has been unjustly expelled from his Diocese, in that case he can exercise his jurisdiction in neighboring places, even though the request for permission from the Ordinary of the place did not succeed, as is held by this.

Mercy. Although. V. If the Ordinary of that place consents, according to c. Nullus, 9 q. 2.

Then nevertheless a presumed consent of the parties is required, because no one can be forced unwillingly to be drawn beyond his territorial jurisdiction; thus cc. and Salmant. cum Cand., that an Episcopal personage might absolve from censures outside his diocese without noise of judgment, but not judicially. Inquire. II. Whether an Episcopal Bishop who is existing in his own Diocese can impose censure on a subject who exists in another place, but for a crime committed previously?

Basil. and Gabri. and others deny it; see. Croix l. 7 n. 46. But they affirm—while speaking with the common and true opinion, because such a one could not be punished by anyone; thus Ques.[uestion] et lib[rary]. 154. Very High.

On Censures Ecclesiastical and Irregular: Although the citation of a thing cannot be made outside the territory, it is nevertheless sufficient to incur censure for condemnation if the defendant is cited in his own home; or in a public place within his territory; thus this runs: even though the subject may have committed an offense outside the Diocese, if it pertains to matters that occur there, as when all clergymen are excommunicated who do not attend the Synod, etc. Thus Saar D. 5. sect. 4 n. 8: Bon. 1. c. a. 7: and Probabilius further states, if some Confessor be chosen for supplementation, he can be well confirmed by another triennium after the time of supplementation; because the prohibition against not choosing a Confessor beyond three years is so odious, strict, and to be received strictly regarding ordinary elections, not extraordinary ones. If a crime is

consummated outside the territory, the defendant does not incur censure; thus Suar 1. c. n. 7: n. 111 cum (contrary to; from gr. if there is a broad censure against those committing fornication', he who draws a virgin from her own territory and consummates that fornication outside will not incur it, etc. Thus, if anyone should wound someone in Church; he dies elsewhere. Or, if he wounds within the Diocese, and that person dies outside; as you said. Sad. si. Question!

High. If the Bishop administers a particular command to a subject who is twenty-three years old, and he commits a transgression (for instance, if he steals); whether by committing a transgression outside the territory, the subject doubts regarding the censure? The first opinion affirms, and this is held by Soar. D. 5 sect: 5 in fin. 12.; Croix lib. 7 num. 43. 8 cum Abb.

Sa, and 1 p. 9 n. 17 with Salas, and Fill. Reason: because the statute regards the territory, and thus excludes anyone outside of it; whereas the command regards persons, and thus admits those presumed to exist outside the territory. The second opinion denies, and Holzman does not hold this: in volume 1, page 359; number 103; on page 404 it is stated; Roncagl., page 76, with 3 J R. r, according to the Spirit. If likewise: Avila, at the cited location.

That is proven from e. That, according to Article 2 of the Constitution in 6: where it is said, "Statute of the Episcopate," by which from the sentence of excommunication that is promulgated against all who have committed theft, those who commit extradition of theft beyond their Diocese should be bound with a greater chain, at the same time the right of the third age does not apply to them. Chapter I. Doubt. III.

To impose censure.: 155: intrude. Therefore the congruent statute does not bind, nor is it from that, if a Confessor be chosen as a supplement, he can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. This prohibition does not affect persons, but rather because it is not permitted to the Bishop to have jurisdiction outside his territory; thus neither can the precept be bound. Both opinions are probable, but the first seems more probable; for if a Confessor be elected as a supplement, he can be well confirmed by another triennium after the time of the supplement, because the prohibition against not electing a Confessor beyond three years is to be strictly and odiously understood in cases of ordinary election, not extraordinary. For when a subject sins outside his territory, it does not affect the law, which only concerns the place; but when a particular precept affects the person,

then whoever transgresses it (as he himself confesses), he is bound by the censure. It is certain from the aforementioned text that if a Confessor be elected as a supplement, he can be well confirmed by another triennium after the time of the supplement, because the prohibition against not electing a Confessor beyond three years is to be strictly and odiously understood in cases of ordinary election, not extraordinary. For if no precept with censure has been given previously to any subject by the Bishop, he cannot inflict a censure upon him if he sins in another Diocese. And likewise it must be said: If he sin in an exempt place, because there he remains as if he were in a place outside the Diocese, according to c. Cum in 6; and Clementine.

Archbishop, same title. Moreover, whether churches and monasteries of regulars be 24 places exempted? See what was said in I. 1 num. 156 at the end, where we stated that it is probable to affirm the affirmative opinion with Bon. Seyr.

Avila, Cand. ac Sententia, et Croix l. 7 n. 26, qui ait: cum Avila dicit: Tamen hic notandum, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac accipienda est de electione ordinaria, non extraordinaria. Si agatur de damno 25 alteri resarciendo, et fur ille in proprium territorium veniat, atque ibi conveniatur de furto extra commissso, possit illius Ordinarius eum cogere sub cenrura ad restituendum; ità 5 sect. 5 num. 5 et et Cor. Reason, quia, si postea ille delinquit, debitam restitutionem negligendo, rectè Episcopus ratione delicti eum ex-communicat. Lib. 156. VII. On Penalties Ecclesiastical and Irregular, Question 46, Article.

IV. Whether an episcopal ruler can bind an alien subject with ecclesiastical censures within his diocese for someone who has sinned there? Affirm, quia quicumque delinquens sortitur forum illius loci, ubi delinquit, ex c. fin. de foro comp. Receive 1.

If the delinquent were subject to that Bishop's jurisdiction as his Metropolitan or Patriarch: otherwise, if the Bishop were not his suffragan; for although a peer does not have equal jurisdiction over another peer, as they note in c. i n. 37 with Corn. From what reason does Croix sense lib. 7 n. 32 (contra. n. 37) with Pign. and Giball. bringing forward the Declaration of S. C., that if a Confessor be chosen as a supplement, it can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is understood to be odious, strict, and binding in respect of an ordinary election, not an extraordinary one, which, if a Confessor be chosen as a

supplement, can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is understood to be odious, strict, and binding in respect of an ordinary election, not an extraordinary one. The Bishop who is presumed as Archbishop may excommunicate him from his Diocese if the Bishop therein commits a delinquency. Regulars are simply exempt from Episcopal jurisdiction, according to c. Ne aliqui, de Priv. in 6.

See. And as regards religious exempted or privileged ones, such as mendicants and Jesuits (see below note 241 Dub. g.), it is improper for the bishop to pass censures, even if he proceeds as an Apostolic delegate, according to Coixi 1.7 n. 30, with Pell and others. Receive 2. If the defendant leaves the territory of his Ordinary before his case is known by the Ordinarily local, he goes out from that territory (for distinction with a delinquent in his own country, who, even if he later departs from his territory before judgment and before citation, can still be bound by his Ordinary, as we said above Qu II.). Otherwise, if the defendant departs from another territory before being prevented by citation, then on account of the begun judicial process he remains subject to the Bishop of that place; thus according to c. 6 n. 7 with Abb. Henry and c. 1r n. 36 et n. 115.

Question. V. An censure extended somewhere, e.g., against false speakers in the Church, or against those who do not report theft, should the presumed aliens be permitted to remain there? If the censure be extended in the manner of a particular precept or particular sentence, namely if it be an excommunication against those who do not reveal thieves, this does not bind aliens, because a particular precept cannot subject non-subjects.

Thus comm. c. 1. n. 117, ex c. A nobis. 25. On the other hand, if those passing through there commit robbery. Thus in I. III, D. 18, n. 6 and 16, and Bon. Sylv. 3 n. 332, v.

It is not accused. Notandum. hic I. If anyone is chosen as a confessarius as an addition, it can be well confirmed by another triennium after the time of the addition, because the prohibition against choosing a confessarius beyond a triennium, inasmuch as it is odious, strict, and to be accepted for ordinary election rather than extraordinary, having once been instituted, can incur other censures besides one. Thus it is confirmed.

DD. cum S. c. 1 n. 175, ex si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa,

stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. propter idem delictum possit quis multipliciter ligari a diversis, scilicet a jure et ab homine, a Papa et Episcopo; ita ut ab utroque ipsi solvi debeat. Thus more probablistically. 5 sect.: 2 n., 13. c. 1 n. 176, cum Hoc tamen intelligendum, si secundus Superior intendat vere novam poenam imponere; alias regulariter secunda censura habetur, ut innovatio, seu publicatio primae; ti. 177, cum Bon. Candidate. If a confessor is chosen for supplementation, it can be adequately confirmed by another triennium after the time of supplementation; because the prohibition against choosing a confessor beyond a three-year period, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. Hence, he who through one act commits two sins of different species, both of which are punished with censure, will then incur two censures; thus if someone were to kill a cleric at a place where any murder is forbidden under censure.

In like manner, if the sin should not contain several kinds of malice in different species. Ita n. 178, cum Corn. Diana, and Cand. Notandum IV.

If a confessor is chosen for a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, as being odious and strict in the case of ordinary election, not extraordinary, if someone reiterates 16b Lib. VII. Concerning Consuetudines Ecclesiasticae et Irregularitates: Et si dubium surgat, censura judicanda sit justa? And whether the accused may be considered to have used a part of the urban judgment under censure, if power can probably be directed toward that without obscurity? « Resp.

On account of mere external fault, censure is portioned and joined with contumacy. And indeed in a local interdict there can be something alien, for example. Ecclesiastical authorities, or those of the community, but not private individuals of the laity, otherwise a proper requirement is demanded. Therefore the resolution is given: "1."

Infants and the insane cannot be censured because they do not sin. Well. b, i qi. i pp. 4. Laïm c. 4 § 3 ex S. Thom. » 2.

Even though at times a venial sin may merit a light suspension or a slight prohibition: yet not even a brief suspension, nor a prohibition for a short

time, depriving someone merely of some use; if they are to be deprived of any use, or for a long time, then it should rather be considered greater. Therefore. Section 4, Article 2, Note 2. Page 3, Note 2. Con. D, 13 number 67.

And with Avili. and Cand. Therefore, the suspension is considered invalid for a long time due to a light fault, as it has been said even more: n. 32i.; nevertheless, the excommunication remains greater, the grave suspension, and the special personal interdictum, whatever they are of general nature, cannot be imposed except on account of mortal sin, because otherwise the punishment would not be proportionate to the fault; but since punishments are medicinal in nature, they should not be inflicted for any mortal fault, but only for some, lest they be thought to be contemned, as he advises. Thus, a severe censure is considered invalid when imposed on account of mere venial fault, which opinion is commonly held: i c. 4 n. 3. . 4 sect. 4 n. 2. de Et colligitur ex c. Nullus i nq. 3, alque ex : 26 t. 3. de Ref. Reason [rationes], quia de jure tam naturali quam divino poena debet esse culpae proportionata. From which it follows: I. If a Confessor be chosen as supplement, he may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood with reference to ordinary election, not supplemental; hence, one cannot incur a grave censure except through a grave fault previously committed: and therefore, he who is excused from serious fault is presumed to be excused from the grave censure.

It follows hence that if a Confessor be chosen for a supplement, he may well be confirmed for another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is to be strictly and odiously received regarding ordinary election, not extraordinary; moreover, if anything should be prescribed, one who is excused from grave sin is also presumptuously excused from great censure. After considering all things, it is light, nor does it oblige to a mortal precept or incur a censure; so that the prescription and the censure are justly imposed, in such a way that those who transgress grievously sin and incur censure; as happens in excommunication for slight clerical offense, which though in itself of slight matter is grave with regard to the debt of clerical reverence. Thus equally a Prelate can impose a grave censure upon those who do not intervene in the public procession for some grave matter ordained. Likewise clerics who nourish their hair contrary to the precept, and thus concerning others. But similarly, if the matter be of something light and conducive to the end intended, it may be handled lightly.

Therefore it is said. Question Noneautem hoc. In doute sur la gravité de

l'offense, le prélèvement obligatoire oblige-t-il la prédication du précepte par le supérieur, et une condamnation s'incurre-t-elle ? It shall be responded affirmatively according to no. 132, and Cor.

Reason: because in doubt the power of the Superior prevails; although, as rightly noted by cum Diana, prelates should diligently take care to avoid censuring subjects with grave penalties for matters not so grave when they do not certainly see that those matters greatly contribute to a good end. Question 41. By this very fact, if a Confessor is chosen as a supplement, it can be well confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood to pertain to ordinary election rather than extraordinary one; therefore, let a precept be issued under canon 33 that obliges with grave seriousness. Understand when the precept is not certainly grave nor certainly light, but such that it can greatly lead to the intended end; and one responds that if a Confessor be elected for supplementarily, he can properly be confirmed by another three-year period following the time of supplementation, because the prohibition of electing a Confessor beyond a three-year term, as odious and strict, should be interpreted concerning ordinary election, not extraordinary. If the precept contains censure of latae sententiae, then it will obligate under grave penalty, because by that very fact in which the Superior desires to incur the censure he himself wishes to presume to incur a mortal sin, without which censure cannot be incurred, as stated VII. 162 Lib.

VII. Of Penalties Ecclesiastical, and R. 2. . 4. sect. 9 n. 11, 6n. 8. And if indeed the matter by itself is not grave, and the penalty be only one to be inflicted; so that one must incur it through a mandate, as we shall say below n. 55, then he who transgresses will not sin gravely unless after admonition, or unless there be a clause in the precept, if a Confessor be chosen for a supplement, he can indeed be confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond a triennium is held to be odious and strictly to be observed as one of ordinary election, not extraordinary, so that if a Confessor be chosen for a supplement, he can indeed be confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond a triennium is held to be odious and strictly to be observed as one of ordinary election, not extraordinary. without any admonition such a penalty can be applied by the Prelate; for then the precept itself is held to be an admonition. Thus. C. and Sot. Avili. 1 c. n. 135. 34. « 3.

The act of sin, on account of which censure is incurred, ought to be

mortal, not only quoad a: but also intermundane, and moreover quoad the very substance of external work. Hence, a cleric is not lightly excommunicated by one striking him lightly, unless he had a mortal intention; nor is anyone condemned merely for having privately fallen into heresy without outwardly signifying it, because the Church judges only about externals. Therefore, an invalid censure is imposed for an act that is inward alone: for the Church does not judge concerning internals, according to the canon Consulted 2 q. 3. Reason, because since the power of the Church resides in men, they cannot enact the law except concerning externals, of which only they can judge. Therefore, St. Thomas 1, 2 q. 91 ar. 4 and Con.; therefore, 4 sect. 2 n. 29.

Cross 1. 7; n. 48.: 137 v. From these, with regard to Sary and Salam c. 1 n. 142, it is allowed. But in respect to censure-worthy acts, not only must the act be external, but also gravely external; and hence, one who lightly strikes a cleric, although he prohibits murder, does not incur censure. Therefore. According to Bussi 5.2 c. 8 n. 7. Chap. I.

Doubt. Four. Of Censures in general. Note 165, n. 143, with Sot.

Sayr. Henry. Thus presumptuously the Church punishes mental simony, not that kind which is consummated only internally and not approved externally, for which no blame can be punished, according to c. fin. From canon 1, note 140.

Et cadat in anathemata imposita contra Of 35 ficium non recitantes, aut Sacrum non audientes, qui omnino distracte recitat, aut audit? Croix denies it 1.7 n. 48, and sufficiently probabily; but more probabily to affirm according to what is said in 1.3 n. 313 v. Regarding, and 1. 4 n. 117, in those places where we held concerning both the Office and the Mass to be heard, it is more probable that internal attention should be required. « 4. The act of sin in its own genus ought to be regarded as effected and consummated; unless otherwise explicitly stated by the words of the law; for penalties and hatred should be restricted.

When excommunicating one mandates, consoling, or bearing suffrage for an unworthy person, understand that it has been efficaciously followed through, because without such mandate, counsel, and suffrage the act is neither complete nor perfect in the genus of homicide, theft, etc. Others however think that attention should be paid whether in those who issue mandates, consult, or bear suffrage per se an excommunication is to be inflicted, or only accessory: and they say that in the former case the excommunicated are made so even if no effect follows; nor in the latter.

That sentence in practice is the protector. » And according to this judgment they say 144, 38)64 Lib. VII.

On Censures Ecclesiastical, and Irregularities. If a penance is imposed against those commanding, or advising precisely by command, or advising, then there incurs presumptive effect not followed by execution; otherwise, if it be imposed but accessory, namely for an office's sake: if a Confessor be chosen for the supplement, he may well be confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is so odious and strict that it must be understood concerning ordinary election, not extraordinary. That, if anyone be chosen as Confessor for the supplement, he may well be confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is so odious and strict that it must be understood concerning ordinary election, not extraordinary. Whose opinion is it about this matter? Thus equally they assert. n. 247 and Croix 1. 7 n. 65.

Question. I. Whether, in a doubt, my commandment or counsel has intervened, I will incur censure? They deny it, but Croix affirms it 1. 7 n. 66, as Sanch 3 n. 562.

Question NoneII. Aa mandans, sive consilium pro occisione clerici incurrat censuram, si ante executionem consilium pro viribus revocetur? It affirms; more commonly and more probably it denies. 1 p. 7 n. 15, 5 c. 5 n 7. i c. 4 n. 10, et i n. 15, cum Gian.

Giball, and others, because the Church cannot bind by censure except those who are contumacious. And the same is probabili- ter said . 11 cc. Giball. et Tab ac Croix 1 7 n. 54, cum 1 c.) even if revocation of counsel does not become known to the executor, as they also say in 153, concerning him who gave poison to a cleric, and before it began to take effect he withdrew his mind, and thus: whatever means at his disposal he sought to hinder its effect; because while thereafter through indolence the matter became lax, that person is not contumacious, whence he should not incur censure which is a medicinal punishment to be impeded. That appears to be sufficiently probable according to the statements n. 48o. Dub. 2 ubi probabilius est, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. praebens Clerico venenum non incurrat censuram, nisi illud incipiat parere ef- factum, idest laedere.

And si quis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod si quis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. dictum est de consulente, idem affirmandum de mandante. However, it should be noted that if a Confessor is elected for supplementation, he can be adequately confirmed through another triennium after the time of supplementation, since the prohibition against electing a Confessor beyond three years, inasmuch as it is odious and strict, pertains to ordinary election, not extraordinary. Although the consulter or mandate-giver may be excused from censure in such a case, this does not mean they are excused from restitution, according to n. 55o. Et si consilium datus est aut mandans vel qui dedit venenum, revocando consilium aut mandatum vel poeniten- do veneni dati antequam mors sequatur incurrit irregularitatem? It is necessary to consider what has been said concerning the admonition: if a Confessor be elected for the sake of supplement, it may fittingly be confirmed by another triennium after the time of supplement, because the prohibition against electing a Confessor beyond three years is odious and strict in the case of ordinary election, not extraordinary; thus, if a Confessor be elected for the sake of supplement, it may fittingly be confirmed by another triennium after the time of supplement, because the prohibition against electing a Confessor beyond three years is odious and strict in the case of ordinary election, not extraordinary. Whoever gave counsel or command in such a case, even if excused from censure, nevertheless should not be excused from making amends for harm caused, lest he be not absolved by the censure because he neglected the way by which he could avoid damage; thus having himself contributed to the influx of such a decree. Item, this must be noted: if a Confessor be elected for the sake of supplement, it may fittingly be confirmed by another triennium after the time of supplement, because the prohibition against electing a Confessor beyond three years is odious and strict in the case of ordinary election, not extraordinary; thus, if a Confessor be elected for the sake of supplement, it may fittingly be confirmed by another triennium after the time of supplement, because the prohibition against electing a Confessor beyond three years is odious and strict in the case of ordinary election, not extraordinary. It should not incur censure, nor lead to excommunication, suspension, or personal interdict unless for their own culpable fault; thus, if those who change domicile and go out from the interdicted city, or college, do not remain under interdict, according to canon 2 of the constitution.

If a penitentiary be chosen for supplementation, it can properly be confirmed by another triennium after the time of supplementation, since the prohibition against choosing a confessor beyond a three-year period is odious and strictly to be observed in ordinary elections, not extraordinary ones; that is why, if a penitentiary be chosen for supplementation, it can properly be confirmed by another triennium after the time of supplementation, since the prohibition against choosing a confessor beyond a three-year period is odious and strictly to be observed in ordinary elections, not extraordinary ones. This does not apply to specially interdicted ones, which are universally interdicted: ex c 24. If you have. Question 3. "5. Whatever excuses one from a mortal sin excuses also the fourth kind of presumed culpa from grave censure, namely, the matter's insignificance, the inability to fulfill the law, the defect in advertentia and deliberation, invincible ignorance, whether it be of fact, as when you do not know whom you strike, that he is Clericus, or of right, as if knowing him to be Clericus, yet mortally to have struck him through negligence.

VII. On Penalties Ecclesiastical, and Irregularities. "Men are prohibited to receive that percussion under excommunication." The reason is because such a one is not contumacious.

That a person may incur censure, he not only needs to know that that crime is forbidden by Divine law, but also by Ecclesiastical law; otherwise, there would be lacking contumacy against the Church by which he ought to be punished. Thus comm. . l. g D. 32 n. g et 24. . Q. 1. c. 1 n. 192, cum Q. II. He must also know that what is prohibited under censure, otherwise he does not incur it; because then there still lacks contumacy and contempt for the censure. In like manner concurrently teach the SS. DDOCC. with n. 193, and Croix l. 7 n. 95. (contrary to Avili.

Wherefore, if any one kills a cleric ignorantly, thinking him not to be a cleric, he does not incur excommunication; although, if he had known and even then would have killed him, or if he approved it knowingly, he would have incurred excommunication. Because neither that malicious mind nor ratification (unless the killing is done in his name, see note 207) factually influences that cleric's homicide; rather it would be, if he were to say: "I wish to kill this person, and he happens to be a cleric"; for if one truly kills a cleric, then excommunication will not be avoided. Thus Fil. . cum . 1 n. 202. . 8 n. g. c. 1 n. 202 cum Dub. 1. 44 Si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis confessarius eligatur pro supplemento, bene

possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. autem dicitur de excommunicatione, idem dicendum putant Et idem probabiliter asserunt de irregu- lariae, quae ob delictum incurritur, si delinquens nesciat invincibiliter illud esse jure Ecclesiastico probi- bitum, ex cap. Cognoscentes. See and see also note 350.

Question II. Let there incur a penalty also he who knows the prohibitive laws but does not consider them irregularly. Cap. I. Doubtful. IV.

On Censure in general. 167 Was it imposed as a penance? The following double sufficiently probable opinion is to be considered, see to be discussed in article 4, number 351. Question None. The first double sufficiently probable opinion is to be seen in chapter four, note 351.

Can a removable ignorance be given to a lawsuit which excuses from censure, although it does not excuse from grave sin? Asserting that according to Decretals 1, G, D, 32, n. 31, and canon 1, n. 196, it is possible to impute ignorance which is not gross or negligent but yet gravely culpable: for gross ignorance involves the greatest negligence; hence (as they say), ignorance resulting from great but not supreme negligence will be mortal but not gross, and thus it excuses from censure, as inferred from canon 6 of the De condit., where those who are ignorant are excused from censure. While, however, ignorance has not been gross or negligent. However, Bossuet in his "De usu et communi" justly contradicts this; for crass ignorance can arise not only when no diligence is exercised at all, but also when very slight diligence is presumptuously employed.

Question None. II. Whether a grave fear might excite the censure? Resp. 46 Si res est vetita jure tantùm Ecclesiastico, certè excusat, quia præcepta humana non obligant cum incommodo gravi.

Hence notes Croix 1. 7° n. 102, if any Confessor is chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition concerning not choosing a Confessor beyond a triennium, inasmuch as it is odious, strict, and to be received as pertaining to ordinary election, not extraordinary, since if detection of sin under censure; no one was bound to denounce himself, or a complice, or another, if the crime cannot be proven, or if denunciation would bring great harm to oneself. But a grave fear excuses from incurring censure, even if the thing is otherwise prohibited by divine law; and hence he who out of great fear would perform a homicide forbidden under

censure would sin indeed, but would not incur censure, because he would not sin against ecclesiastical law, whose special unjust contumacy requires that one be subjected to censure; thus 1 p. 8 n. 9. 4 s. 3 n. 14. c. 1 n. 204, with Con. Cand. He said, moreover, that neither does it hinder the text in the Decree concerning Sacred Things, on this matter, Book 168, Chapter 2.

VII. Of Censures of the Church, and since the Respondents cited the text, either regarding the fear of something轻acerbation Incurrit autem censuram, aut aliam poenam, qui meta gravi cogitur aliquid agere in contemptum praecepti Ecclesiastici, vel qui ob metum perpetrat malum gravissimum, v.g., si Episcopum occideret, vel sine jurisdictione absolutionem Sacramentalem praebet; secus, si impeditus ob metum ministraret in Sacris, tunc enim non incurreret irregularitatem; ita Bon. et . cc. et Con. Henry and Cornelius.

Reason, because in these first cases fear does not excuse from guilt presumed against an Ecclesiastical precept: thus also in others. I said invincible, because culpable ignorance and deliberate non-excitation are not excused unless a certain sure mode be added in the law, e.g., he who shall have done this 'intentionally, carefully, or who shall have presumptuously ventured to violate temerarily; these words, as they are odious in deed, must be strictly received; such presumption cannot however be rashly called unless ignorance were such as to include a formal deceit. . 32 n. 1. 48 The question is whether if the censure has been imposed knowingly by sinners, does pretended ignorance excuse it? The first proposition is more common and denies this; those maintain it. 4 Sentences, 10th question, note 3. 2 D.: 1 part, 18th note, 8. Continuatur ratio, quia in dictis primis casibus metus non excusat à culpa, praesumptum contra praeceptum Ec- clesiasticum: secus in aliis. Dixi invincibilis, quia ignorantia culpabilis, et cras- sa non excusat, nisi addatur in lege certus modus, v. gr. qui hoc fecerit, 'scienter, consulo, vel qui præsump- serit ausu temerario violare; quae verba, utpotè in re odiosa, accipienda sunt strictè; talis autem non po- tent esse temerè præsumere, nisi ignorantia esset ta- lis ut formalem dolum includeret; . 32 n. 1. 48 Questio est, an si censura sit imposita scienter pec- cantibus, excuset ignorantia affectata? Toura added to Fill.

Salas, Henriq. Ledes... c. 1 n. 198. The reason is twofold: first, because simulated ignorance includes formal guilt; secondly, because such ignorance is equivalent to knowledge, as is proven in c. Eos qui, de Temp. Ord. in 6 ubi: Those who clerics of a foreign parish have presumed to ordain without the license of the superior, either scienter or through affected ignorance or any other figment devised, we decree by anathema and suspension of ordination to be suspended, Cap. I.

Dub. IV. On Censure in general 169 And there a gloss on the word. Affected, it is said: Therefore equal is science, and affected ignorance.

The second opinion asserts that, and holds it, 2 c. 10 n. 38. Good. D. 2 p. 4 n. 9. c. 1 n. 199, cum etc. Ratio, quia ignorantia affectata in rigore non est vera scientia, qua requiritur in poenis impositis scienter peccantibus, cum poenae strictè sint intelligendæ; licet autem talis ignorantia includat dolum virtualem, non tamen formalis; qui enim peccat scienter contra legem, vere contemnit eam; qui vero peccat ex ignorantia affectata, etsi velit ignorare ut liberiùs peccet, tamen demonstrat aliquam reverentiam erga legem, dum quaerebit ipsam ignorare ex timore; si quis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria, non extraordinaria., si ipsam sciret, retraheretur a peccando. To the opposite text can be responded, if a Confessor is elected for supplementation, it may well be confirmed through another three years after the time of supplementation, because the prohibition concerning non-electing of a Confessor beyond three years, insofar as it is odious and strictly to be accepted, pertains to ordinary election, not to extraordinary one. Therefore, if such a suspension were suspended by special legislative disposition, the Bishop who unjustly ordains thus, whether he knows it or not that there is an affectate suspension, would nonetheless be considered improperly ordained.

I do not dare to say this second opinion improbable, but rather strongly adhere to it as more common. Certainly. Here is the literal English translation of the target sentence: Recte autem; 41, et minimè approbant senten- tiam Panormitani (quàmvis probabilem eam putent S. Anton., scilicet, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. si quis cum ignorantia crassa, et etiàm affectata Clericum occidit, excusetur à censura Canonis, cum ibi dicatur: Si quis suadente Diabolo, etc. nam respondetur, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius

eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. haec verba non importent scientiam formalem censuræ, sed tantùm peccati.

Here it is to be noted with . Q. 1 ar. 1 n. 5, cum Fill., si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria., ut incurratur censura pro foro interno, requiratur contumacia vera, pro foro autem externo, sufficiat praesumpta. « 6. Not incurred is the censure for a sin solely natural or repugnant to divine law, but it requires the commandment of the Church, if any Confessor be elected as a supplement, he may well be confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond three years is odious and strictly to be received regarding ordinary election, not extraordinary, so that, if such prohibition is contumaciously violated, true contumacy incurs for the internal forum, but for the external forum suffices presumptive. Item nec ob peccatum mere præteritum potest censura infligi ab homine, nisi aliquo modo pendet in futurum, ratione scandali, vel restitutionis non facte, 17o Lib.

VII. On Penalties of the Church and Irregularities. Or perseveration in sin after admonition, because there is no contumacy. (Ità S. Th.) Neither does it matter if a Confessor is chosen for supplementation; it can be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, as odious and strict as it should be in ordinary election, but not extraordinary, which, if a Confessor is chosen for supplementation, can be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, as odious and strict as it should be in ordinary election, but not extraordinary. Whoever, out of past sin or even without any sin (provided that there is just cause), may be temporarily barred from the company of others, from the altar, communion, etc., so that this occurs frequently among religious; and according to law itself it is called excommunication or suspension, but loosely, because it is not a proper censure whose violation causes irregularity, but merely a simple penalty. One does not incur censure who transgresses the law out of great fear,

even though at times such fear may not excuse grave culpability: for he is not considered contumacious. . r t. 5 p. r c. 5 n. g. Bonav. d. 1 q. 2 p. 3 n. 2 ex » » Doubtful is it, whether a Bishop can render a sentence of censure for a crime future?

Denies Contemptuously. Tourne. t. » p. 3 8 0 v. Censure; and approves except. Roman canon, de Sent. exc. i n 6, provides: Let prelates beware, lest they bring upon themselves penalties for communication, whether specially, or generally, in such a way that some future sins may result from their acts; namely, if they present representations without due cause, unless culpable circumstances have preceded.

But they affirm. c. 2 n. 2, cum Abb. Cov. et Ug. 1 ar. 1 n. 5, cum. Ethocest validè probabile, quando addest juvabit causa; atque hic est usus commune rēceptūs in Ecclesia. The respondent, however, preoccupied with the opposite text, understands this in such a way that it is understood to apply even without cause.

The censure is invalid on three grounds. First, because of the failure of the censor; if he lacks jurisdiction, or if it be impeded by a censure, or suspended through a legitimate appeal, of which see 5r. Secondly, if the substantial order of judgment is further disregarded; as when the accused is neither brought to trial nor warned under threat of the censure. Reason, because he is not contumacious, who before was not admonished concerning the precept, and the penalty annexed. If a confessarius is chosen for the purpose of supplementing [a previous term], it can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessarius beyond a triennium is to be understood as odious and strict in the case of ordinary election, not extraordinary. Nevertheless, understand this censure from human authority through a particular sentence; for that which comes from law, or by a general, or even a special sentence, with regard to an act future, does not require any other admonition; since the law itself, or the sentence itself, is sufficient in warning. The same applies to a sentence that is merely declaratory and not illative: because a censure can be declared without further warning when the commission of a crime attached thereto is evident.

But that censure may be lawful, it is required first, that the said admonition be canonical, that is, threefold, according to the Canons; although for just cause once in three years suffices equivalent to threefold, e.g., I admonish thee once for three occasions. 2. that it be recited from writing. 3. that the reason for censure be expressed. 4. that example of the sentence written against the culprit be delivered within a month;

otherwise the judge himself is suspended from divine duties. This must be noted, if a Confessor is chosen for supplementation, it can be well confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is odious and to be strictly received in ordinary election, not in extraordinary one. For which reason, if a Confessor is chosen for supplementation, it can be well confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is odious and to be strictly received in ordinary election, not in extraordinary one. Not in all censuras is there requirement of rei monitio; for in excommunication, since there it entirely requires contumacia rei, a presumed monitio is required; but in suspension and particular interdict (differently from general), because these censures are sometimes carried out not as censures, but as pure punishments for the punishment of past sin (wherefore not always is a monitio required, according to cap. Tam litteris 33). Concerning witnesses. C. When in all. 7. Of Of the title within 6, thus . 1 page 5 note 5.

Good question, chapter 1, page 9, note 8, and moreover But inquire. I. Is a censure pronounced without admonition valid? If a confessor is elected for a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against electing a confessor beyond a triennium, inasmuch as it is odious and strict, should be understood differently concerning ordinary election compared to extraordinary; this being said, there is no doubt that necessity of precept requires a monition, according to c. Reprehensibilis.

From the chapter 1 number 82. And this must be noted: if a Confessarius is elected for supplement, it can well be confirmed by another triennium after the time of supplement, because the prohibition against electing a Confessary beyond three years, inasmuch as it is odious and strictly to be understood in the case of ordinary election, not extraordinary, should specially be observed with regard to censure, whose infliction is set forth in . 3 sect. 11 n. 7, and so on comm. Whether however the monition is necessary in essence; there is a double probable opinion. The first opinion, which is held in section three, chapter eight, note eight.

Secondly, article 192 Book. VII. On ecclesiastical censures, and c. i n. 85 (those who think that it is probable), the Church, or the Pope, from the plenitude of power can impose censures, without any previous motive. And they prove it from c. Duo sunt, D. 96, where Innocent excommunicated Arcadius for a past offense.

And c. Tanta, D. 86, ubi S. Gregorius excommunicavit quosdam sine

monitione ob crimen jam factum. The second opinion, however, is more common and more probable, which they hold: 1. g D. 32 n. 13, et 21. I say 1, and Cor[n]. It is proved from c. Statuimus 3, de Sent. excomm., where it is said: if a Confessor be chosen for supplementation, he can be well confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood with reference to ordinary election, but not extraordinary; hence, a canonical admonition necessarily needs to precede such an excommunication, otherwise it would not hold.

And the same is said in c. Constitutionem. g, eod. tit. Furthermore, it is proved from Matthew 18, where it is said: If a confessor be elected for supplementation, he may well be confirmed by another triennium after the time of supplementation, because the prohibition against not electing a confessor beyond three years, inasmuch as it is odious and strict, ought to be understood concerning ordinary election, not extraordinary; if however the Church does not hear, you shall be as an Heathen. Therefore, the Church does not have the power to impose censures except against those who are contumacious and refuse to hear the Church; for a censure is a medicinal penalty which should be inflicted only upon him who cannot otherwise be cured by his own contumacy: but no one is contumacious unless he has first been admonished concerning the punishment to be inflicted. Neither doth the opposite texts withstand: for in c. Duo sunt, the respondent Adjectum answers that there is not there properly spoken a discourse concerning excommunication, except only concerning the privation of Eucharist.

I said, unless the censure be already pronounced by general sentence, for then itself the law admonishes; yet an extensive suspension against Religious who usurp tithes, or prohibit, or do not allow them to be paid, is excused according to Clement in the conclusion of the Statute on Monasteries. For in either case it requires a warning as stated in the aforementioned texts. According to the law generally standing, beyond any doubt, a wide censure is inflicted for a past moral fault, unless it involves a subsequent treatment directed towards the future, as taught by Anselm, p. 488 n. 17. c. 1 n. 120, from c. Ex parte. Of The Sign Verb. For there would be no broad censure for blasphemy or theft that is merely past.

Therefore, when someone is excommunicated on account of theft, it is on account of contumacy, or because the thief knew that theft was forbidden by the Church under censure, or because he refused to restore after being warned with the threat of censure; thus 4 n. 5. (See what is said in note 33 at the end.) For then a sentence incurs without any other declaratory

decree: In distinction from other penalties of the Church such as deprivation of office, disability for offices, etc., which always require at least some declaratory sentence: Croix 1. 7 n. 77, when. Question. II. Is it necessary to require admonition if the censure be one issued under the authority of the law for punishing sentences? If the censure has been issued by a man, it is certain that admonition need not be required, because by that precept itself is implied the giving of admonition by the Judge himself. Therefore there is doubt whether [the censure] be from law?

Sentences are due. First it is altogether necessary to require a warning, and this they hold, 3 c. 1 n. 91; yet the more probable opinion holds that a warning should not be required, which are those who hold: Sarich de Matr. 1. 2 D. 24 n. 28, item Fill. n. 6, who considers it probable. Reason, because for this censure both admonition and contumacy are held: Admonition, which was given by the very law itself, for the law, in inflicting a broad sentence, not only warns but also punishes; and contumacy, because he who has already been warned refused to comply. Neither hinders the reason of Book 174.

VII. Regarding Censures Ecclesiastical and Irregular: opposed to them, because then the Superior holds the place of the first Legislator, the Legislator himself could suitably administer a censure, thus presumptuously the Superior can enforce it. Nevertheless, Benigni warn. Toledo, Decretum, I, 1, c. 45, n. 3, and Bonaventura, Distinction, n. 4, vol. v. Fourthly, and p. 13 n. 6, when the same is stated n. 4, the crime being so notorious that it clearly appears that no defense can competently be allowed to the accused. Moreover, if an individual confessor be chosen as supplement, his confirmation may fittingly take place after another three years from the time of the supplement, because a prohibition against choosing a confessor beyond three years is strictly and odiously to be understood concerning ordinary election rather than extraordinary; for which reason, if a confessor be chosen as supplement, his confirmation may fittingly take place after another three years from the time of the supplement, because a prohibition against choosing a confessor beyond three years is strictly and odiously to be understood regarding an ordinary election rather than an extraordinary one. The canonical warning should properly consist in three parts; but if it happens that only one were made instead (still without cause), then a period equivalent to three, namely six days would be designated (for as much time is required between each part of the warning, according to 3 sectio 9 n. 3, and since the term of six days should be assigned in order that it might be both urgent and ultimate, otherwise an obstinate criminal would not thereby be constituted).

Ita. It is sufficient however, if it be said: We command that within six days hence he restore; otherwise, he himself shall be excommunicated for this act; For then a virtual terminus peremptorius is virtually assigned;. 3 sect. 12 n. 7. dict. n. 93. However, II. If a confessor is chosen for supplementation, he can be well confirmed by another three years after the time of supplementation; because the prohibition against choosing a confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary rather than extraordinary election; hence, if a confessor is chosen for supplementation, he can be well confirmed by another three years after the time of supplementation; because the prohibition against choosing a confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary rather than extraordinary election. For just cause those three intervals can be reduced to one day, or less time, provided that the three spaces are assigned, so that . 3 sect. 9 n. 3, et Sometimes, however, if there is danger in delay—such as when a cleric is brought to death, or when dealing with reprimanding violence and disturbance of jurisdiction—one admonition will suffice without those competent three spaces, provided that the term be designated, like . with Corn. and Croix l. 7 n. 73.

Notandum III. If a confessarius be chosen for supplemento, it may well be confirmed through another triennium after the time of supplemento, because the prohibition of choosing a confessarius beyond a triennium, inasmuch as it is odious and strict to be understood regarding ordinary election but not extraordinary, that thereby three intervals can be arranged into one day, or brief time, provided that three spaces are assigned; and so if there be danger in delay, as when a cleric is led to death, or concerning the repression of violence and disturbance of jurisdiction, one admonition suffices without those competent three spaces, provided that a term be designated; according to which D. 11 sect. 11 n. 1 c. 1 n. 95, with others. It should be presumed that the warning is given in writing, unless the Judge proceeds otherwise. Chapter I.

Doubt. Fourth. On Censures in General: 175 ex officio, as is held occasionally for the sake of the common good, according to c. Venerabilibus. § But then it suffices if a warning be given orally, provided that it can be proven in the forum. Thus also Corn. ex. c. Sacro, de sent. etc., Notandum.

IV. If a confessor be chosen for supplementation, it can well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessor beyond a triennium, inasmuch as it is odious and strict, should be understood of ordinary election, not extraordinary. If censure is to be pronounced against more than fifty

generally, it suffices that a warning be issued in the Church before the People; but if an interdict is placed upon the Community, it suffices that those who are reproached be warned: thus 3rd section, 8th note 2., and so on. But if censure is pronounced against an individual person, then such censure should be specially warned. Nevertheless take heed of three following cases, in which it suffices to issue a warning in his house, or if he does not have a house, then in the church or public place: Case I is when the Defendant hides himself, or fraud prevents the notice, as with De Dolo et contumacibus. But fraud must be constituted by witnesses, or by manifest indications; ibid.

Case II. when the Reus has been personally cited once; then other citations can be made at home, or in the Church, or Tribunal; n. g6, with Bonaventure from Decisions. Rota Romana. Case III. is when it can be proven that the citation made at home has already reached the knowledge of the Party; for then presumed further citations to be carried out at home are possible: ibidem et colligitur et Clemens 3 de Electo. It is to be noted V.

If a confessor is chosen for supplementation, he can be sufficiently confirmed through another triennium after the time of supplementation, since the prohibition against choosing a confessor beyond three years, as odious and strict as it is understood in the case of ordinary election, not extraordinary one, although from necessity three admonitions are necessary; otherwise, the judge would gravely sin (unless an urgent cause excused him, as above), which is certain for all to see; without that very three admonitions, however, a censure should by no means be considered invalid, since censures without due admonition are called unjust but not invalid: rather in canon 6 of the Council of Sens they are said to be just, namely, if a confessor is chosen for supplementation, he can be sufficiently confirmed through another triennium after the time of supplementation, since the prohibition against choosing a confessor beyond three years, as odious and strict as it is understood in the case of ordinary election, not extraordinary one. VII. Regarding Censures Ecclesiastical and Irregular, for an urgent cause which would not bear delay, since in the text it is said: If any one rashly, etc. From which it follows that if a Confessor be chosen as a supplement, he can properly be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period is to be strictly and odiously understood regarding ordinary election, not extraordinary; for although threefold admonition is necessary from necessity of precept, yet, if there be an urgent cause, as above excused, a judicial sentence will gravely sin; nevertheless, without that threefold admonition a censure should certainly not be future invalid, because those censures without due admonition are

called unjust but not invalid: nay in Ca. de Sent ex comm. it is said just, namely, if any Confessor be chosen as a supplement, he can properly be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period is to be strictly and odiously understood regarding ordinary election, not extraordinary; for although threefold admonition is necessary from necessity of precept, yet, if there be an urgent cause, as above excused, a judicial sentence will gravely sin; nevertheless, without that threefold admonition a censure should certainly not be future invalid, because those censures without due admonition are called unjust but not invalid: nay in Ca. de Sent ex comm. it is said just, namely, if any Confessor be chosen as a supplement, he can properly be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period is to be strictly and odiously understood regarding ordinary election, not extraordinary; for although threefold admonition is necessary from necessity of precept, yet, if there be an urgent cause, as above excused, a judicial sentence will gravely sin; nevertheless, without that threefold admonition a censure should certainly not be future invalid, because those censures without due admonition are called unjust but not invalid: nay in Ca. de Sent ex comm. it is said just, namely, if any Confessor be chosen as a supplement, he can properly be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period is to be strictly and od On the judgment of excommunication in the sixth.

Whereby, since in the cited c. Medicinalis among other penalties suspension is indicated, it appears that if a Confessor be elected for supplementation, he can well be confirmed through another triennium after the term of supplementation, because the prohibition against electing a Confessor beyond three years, as odious and strict to be understood with regard to ordinary election, not extraordinary, what if a Confessor be elected for supplementation, he can well be confirmed through another triennium after the term of supplementation, because the prohibition against electing a Confessor beyond three years, as odious and strict to be understood with regard to ordinary election, not extraordinary. this very provision, suitable and reasonable does not consider the Bishops if a Confessor be elected for supplementation, he can well be confirmed through another triennium after the term of supplementation, because the prohibition against electing a Confessor beyond three years, as odious and strict to be understood with regard to ordinary election, not extraordinary. this very provision, suitable and reasonable does not consider the Bishops if a Confessor be elected for supplementation, he can well be confirmed through another triennium after the term of supplementation, because the

prohibition against electing a Confessor beyond three years, as odious and strict to be understood with regard to ordinary election, not extraordinary. thus neither does it take into account other penalties if a Confessor be elected for supplementation, he can well be confirmed through another triennium after the term of supplementation, because the prohibition against electing a Confessor beyond three years, as odious and strict to be understood with regard to ordinary election, not extraordinary. thus neither does it take into account other penalties if a Confessor be elected for supplementation, he can well be confirmed through another triennium after the term of supplementation, because the prohibition against electing a Confessor beyond three years, as odious and strict to be understood with regard to ordinary election, not extraordinary. suspension thus neither does it take into account other penalties if a Confessor be elected for supplementation, he can well be confirmed through another triennium after the term of supplementation, because the prohibition against electing a Confessor beyond three years, as odious and strict to be understood with regard to ordinary election, not extraordinary. suspension thus neither does it take into account other penalties if a Confessor be elected for supplementation, he can well be confirmed through another triennium after the term of supplementation, because the prohibition against electing a Confessor beyond three years, as But neither does any other presumptuous person omit through culpable ignorance, because temerity requires true knowledge; according to what is said in 1. 1 num. 174. It must be adverted V. If a confessor be chosen for supplement, it may well be confirmed through another triennium after the time of the supplement, because the prohibition concerning the choice of a confessor beyond a triennium, inasmuch as it is odious and strict, should be understood with regard to ordinary election and not extraordinary, whence, if a confessor be chosen for supplement, it may well be confirmed through another triennium after the time of the supplement, because the prohibition concerning the choice of a confessor beyond a triennium, inasmuch as it is odious and strict, should be understood with regard to ordinary election and not extraordinary, penalties will accrue even if the censure have no effect, for instance, if the judge have his jurisdiction obstructed, or if the accused pay or appeal.

Because from the Pontiff one is not punished, an unjust censure is pronounced, but a pronouncement without the prescribed solemnities is made. Thus Felin., etc.: against some..... But there is doubt; here 1. A censure generalis incurratur sub distinzione, v.g., si dicat "Maneat excommunit". 62 Sed dubitatur. hic 1. Is there a broad censure incurred under distinction, for example, if it is said Let it remain excommunicated —catus, or suspended? According to both judgments, both are probable.

They deny, Sylvest. . D. 3 sect. 2 n. 12., Corn. that because of the copulative nature of that proposition, the option is merely given to the accused of choosing a censure with which he wishes to be bound; but if no such censure exists, he should choose one. Bon. et Cand. eum utramque incurrere; sed melius tepent. Si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Si unam frangeret, altaram eligeret: 63 Dubit. 2. A censure may be inflicted under the jurisdiction i. It can undoubtedly be judged from C. Praet. 2 de Appel.

But the censure incurred later does not do so except under fulfilled conditions; hence it is not incurred if an appeal is made before fulfillment of those conditions, according to said chapter 2 (To note, if a confessor be chosen for supplement, he may well be confirmed by another three years after the time of supplement, because the prohibition against choosing a confessor beyond three years, as odious and strict, should be taken in reference to ordinary election, not extraordinary. If a confessor be chosen for supplement, he may well be confirmed by another three years after the time of supplement, because the prohibition against choosing a confessor beyond three years, as odious and strict, should be taken in reference to ordinary election, not extraordinary. The appeal before the sentence of censure suspends it; otherwise, if done after the sentence, Croix 1, 7 n. 109). Or if the creditor, while the condition is pending, prolongs the term for censure from the Judge assigned. Because congruent est potest creditor debitum remittere, ita et terminum prorogare, ut docent 69, cum Pastoralis de Appel. But here the doubt arises. 3. If after the protracted term, without consulting the judge, the creditor, if the debtor does not pay, incurs censure.

They deny Ugol. Henr. To suspend or extend a censure is an act of jurisdiction which the creditor does not possess. But they more probably affirm. III sec. 2 n. 11.

Moreover, and according to Cui Ratio, because that terminus is not assigned for the purpose of terminating the obligation, but so that dissolution may not exceed without the creditor's consent; Hence, after the term has been prorogued by the creditor, the same censure remains in force, and it incurs. Incurrit praesumptam censuram qui, pendente conditione, mutat forum, quia adhuc primum forum retinet jurisdictionem. Thus n. 68. They nevertheless limit that therein.

Consent and not with intent to defraud, if the domicile should be changed

along with the forum. Here it is to be noted. I. If a confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition concerning not choosing a confessor beyond a triennium, insofar as it is odious and strict, should be understood regarding ordinary election, not extraordinary; hence, censure should be inflicted on days that are not feast days, when it itself is pronounced in manner of sentence, according to c. final.

Days off. If however it be imposed on days of feasts, it will be illicit indeed, but not invalid, as stated on page 5 number 13, and 100, with Sair. et Corn. But judgments can be imposed on holidays when they are imposed in a manner of law or precept; and presumptions apply to those that are imposed in a manner of sentence when contumacy is such that it does not lack knowledge of the cause, according to c. Evidentia, De Accus. But the censure's admonition often happens on a weekday, if the knowledge of the cause does not precede; otherwise, if it precedes. So stated by DD. cit.

Notand. II. If a confessarius is chosen as a supplement, it can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessarius beyond a triennium, insofar as it is odious and strict, should be understood regarding ordinary election, not extraordinary. If the judge knows that the censured one has been judged absolved for the internal forum, then Henry 7, n. 80 teaches that he ought not to be punished for the external forum, Notand. III.

If a confessor be chosen for a supplement, he may well be confirmed for another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond three years is to be strictly and odiously received regarding ordinary election, not extraordinary one; that is, if a confessor be chosen for a supplement, he may well be confirmed for another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond three years is to be strictly and odiously received regarding ordinary election, not extraordinary one, which once 180 lib. VII. Of censures ecclesiastical and irregular: he incurring a censure of this kind should be denounced and published, so that thus it may speedily be remedied, according to c. Pastorales § end. Regarding appeals; and moreover, if the latae sententiae penalty has been incurred, the denunciation ought to be made by the Ordinary of the place where the censure was incurred, according to Clement I, De Privilegis.

But then, prior to the denunciation, a citation should proceed from the

Superior himself, giving it a term to speak its right; otherwise, the denunciation will be null, according to Clemens. Often, concerning the sense of words. Thus Croix l. 7 n. 76, cum ... apud Si autem Reus satisfactionem offerat, statim est absolvendus, . " Tertio, ob defectum justae causae. These however can fail in three ways.

If neither on the part of the thing itself, nor according to the allegations of external forum subsists. If however, apart from the matter itself, a crime does indeed subsist, yet not nevertheless in order to the judgment, because the defendant does not confess to it nor is he rightfully convicted thereof. But if apart from the matter itself there does not subsist a crime, even though it be juridically proven and thereby have a presumed title or cause for the judge. In which case,即便从部分事项来看判决是不公正的，然而鉴于其更可能的审断在外部法庭中不应使良心感到束缚，仍然应在外部法庭中予以保留以避免羞耻。 See if in doubt whether censure is incurred or not, within the forum of conscience we are not bound to proceed as though those who have been censured were such.

And this is a doubt concerning fact, namely regarding a crime, for instance if it is doubted whether the striking of a cleric was grievously injurious, as teach the i.c. 10 n. 42. Good. D. 2 q. 1 p. 6 § 2 n. 49. Holz with de Mazze. 1. 1 p. 63. i p. 8 num. 8. c. 1 n. 209, cum Cand.

Tanner and Diana against Sayr. Whether there is a doubt regarding the law, that is to say concerning the judgment, for instance, if it is uncertain whether the censure was extensive or merely for revocation of the sentence, or whether the condition annexed to the judgment has been fulfilled, Chapter I. Dub. IV.

On Censures in General. 181 or not, as the chapters and Cov. and Diana state from ,quod, if a Confessor is chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, since the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, must be interpreted strictly regarding ordinary election, not extraordinary. It possesses; however, on account of doubt, the juridical reason is that punishments should be restricted, hence in doubt they are not incurred. If however after the censure has fallen there is doubt about the absolution obtained, or about the appeal interposed and similar matters, then without fail the Accused must regard himself as censured, because in that case possession stands for the Superior, as rightly say cc. n. 60 et 59. cc. And the same is to be said with ibid. if there is doubt about the power of the Superior, when here he pacifically possesses it. Dubium initiatum. In dubio, an censura fuerit justa vel ne, sic ut justa sit judicanda?

Dicast. denies in Croix l. 7 n. 123, saying: Superior is indeed in possession of passing just censures; but when there is doubt about justice, it ought rather to be said that liberty of the subject prevails. And the same is held in regard to article 3 number 4, when speaking of a law dubiously just, it is probable that the subject puts forth obedience. But more correctly does Salmi in Capitula Bonaventurae affirm the same thing in the same title. D. i q. i p. 7 § 3 n. ii, cum Vasq.: item n. 123.

Because in doubt, the power of the Judge prevails. - Dubit. 2. An si Reus habet opinionem probabilem pro se, teneatur parere Judici aliquid praecipienti sub censura, puta solutionem pecuniae? It is presumed that which is affirmed commonly, whether it be a doubt of law or fact, because otherwise disputes would never come to an end; as in ibid., with Avila: if someone is chosen as Confessor for supplement, it can well be confirmed by another triennium after the time of supplement, because the prohibition against electing a Confessor beyond three years, being odious and strict, must be understood concerning ordinary election, not extraordinary. In a doubt of fact, the process proceeds during the doubt; for if later on he is declared certain of his innocence in a censure, then he is not bound to submit nor to conduct himself as censured; for then the sentence cannot bind when it strives against the presumption 182 Lib. VII.

Of ecclesiastical censure and irregularities, certainly false. But if such a censure were violated publicly, for example, In ministering sacred things, even though irregularity might not have been incurred, yet he would still sin through scandal; and then in the external forum he should behave as one who is irregular, thus 4 sect. 7 a n. 11. Croix 1. 7 n. 84, et Hoc tamen intelligendum, nisi publicè constet censuras esse nullas, ità ut omnino absit scandalum; Avila, etc., ex Clement.

Of the matter judged pastorally. Furthermore, he observed that if a Confessor is chosen for supplementation, it can be well confirmed by another three years after the time of supplementation, because the prohibition against choosing a Confessor beyond a three-year period, as being odious and strict when applied to ordinary election, not extraordinary, should be executed, which executor of sentence, who finds it just according to the alleged and proved, may order its execution, even if from private judgment he knows it to be unjust; but however, if the sentence were presumptively set forth entirely unjustly, according to c. Super eo. Of crimes against the faith. DUBIUM V. Who may absolve from censures? 69 It must be distinguished whether a censure is through a particular sentence given by an individual, or whether it is a general sentence from law or from an individual? 70 Who may absolve from latae

sententiae censures? 71 Can all confessors absolve from minor excommunication? Who can absolve from censures broadened by a person through particular judgment? Who, if by general judgment against persons indeterminate? To which reserved censures can the Bishop absolve according to Cap. Liceat? See the words of the chapter. Note.

I. An Episcopus possit dispensare in irregularitate propter heresim. Not. II.

When is a crime said to be occult or deducted to the forum? Dub. 1. Whether it is possible to be absolved by a Bishop who has been punished in the forum of another Bishop? 78 Dub. 2. Whether a crime public in one place can be absolved by a bishop in another place where it is concealed? 79 Not. III.

Who come in the name of the Bishops? Not. IV. Who come in the name of Subditorum?

Not. V. Bishops can absolve from reserved secret papal cases presumed after Tridentine (Remissive ad lib. 6 n. 594) 80 Not. VI.

Whether bishops rejoice in this faculty where the Tridentine Council has received it? 81 Qu. I. Can a bishop dispense from irregularities and suspensions with his subject who is residing in another diocese? 82 Qu. II.

Has the faculty granted in cap. Liceat been revoked by the Bull Caena? What is the more certain opinion? III. Can Bishops absolve from Penalties imposed by the Bull of the Caenate Council for being hindered from going to Rome? 85 Qu. IV.

By what name are those called who are impeded? What if the impediment is for a brief time, and what if it is for a longer period? Must the Accused be prevented from presenting himself to the Pontiff after being absolved, if he has already been amended and satisfied the party, even though he was previously hindered by the Bull of Caena? What if the impediment is perpetual? And who are called permanently impeded? 89 Qu. V. Are those who are perpetually impeded obliged to go to Rome by means of a letter or procurator?

VI. Whether a bishop can absolve a heretical impedimented person, presumptively through another? 91 Qu. VII. If a penitent is bound to present himself to the Superior after absolution by a inferior, owing to a reserve on account of a case without censure? 92 Qu.

VIII. Is it hindered, so that they may not go to the Bishop, that whoever be absolved from it be reserved for anyone? 93 Qu. IX. Can bishops generally delegate to others the faculty conceded to them in c. Liceat? 94 About the faculty of mendicants absolving from reserved cases. 95 Which censures Regulars can remit as far as temporal matters? 96 Can they absolve from papal casuistic reservations? 97 For an external forum? 98 From cases reserved to bishops by right or custom? 99 From Clement's casuistic reservations? 100 Can Regulars absolve their subjects from all papal cases outside the Brief of Caea? 102 Can presumptuous novices? Lib.

VII. Regarding the Censures of the Church: 107 Whether subjects can be absolved from a censure through the percussion of another Religious or Secular Cleric. 108 What concerning those who receive the Bull of Cruciate Remission. 109 Rule for remitting censures. 110 Are censures of the Bulls of Caen included in the given faculties to absolve from Papal matters? 111 In the Jubilee, are all censures included under the granted power to absolve, even a broad general one from the Bishop for Heresy? 112 He who has authority regarding the cases of the Bull of Caen, can he absolve a presumptuous person from Heresy? Up to n. 113. 114 What more is there to note regarding the faculties of Regulars? 115 What more regarding the faculty granted in Jubilees P 69 a Resp. 1?

A censura lata per sententiam particularem est tanquam ordinariè potest absolvere, qui eam tulit, vel ejus superior, vel successor, vel delegatus. Anyone can absolve from what is absolved from by a general sentence of law, or by a person through a general sentence if it has not been reserved: but if it has been reserved, it can only be remitted ordinarily and per se by the author of the law, or his successor, or his delegate. I have said this. Ordinarily, because in the article of death any priest can absolve from any censure. I have said 2.

In themselves: because per accidens, and by virtue of a privilege, others may be presumed. . I t. 5 p. 1 c. 7. » In general, for removing censures on the part of the one absolving, the same conditions are required which are required for pronouncing judgment, according to what is stated in n. 12. However, it must be said I. It is certain concerning censures lateralibus à jure non reservatis, that an Episcopum or proper Sa-cerdotem can absolve, ex c..Nuper De Sent. ex-com.

Whereas the discourse pertains to the excommunication of a minor, yet the same is commonly understood to apply to all other censures; as it is stated in 1 p. 11 § 5. 111, sect. 3 num. 2 et 42, with Henry. Ugol. Corn, et Gibal., ac cum An autem ab hujusmodicæ necissitatis omnes Confessarii possint absolvere? They deny Saint Anthony.

Corn, et Gibal., ac cum An autem ab hujusmodicæ nus omnes Confessarii possint absolvere? S. Antonin negat. Cov. ibidem n. 43. Because, as they say, just as they are suitable for imposing penalties, so too a judicial authority in external forum is required for remitting them, which simple confession and presumptuous parochial authority lack. Nevertheless, it must be affirmed with common sentiment, which St. Thomas holds. Suppl. qu. 24 art. 1, ubi ait: Si excommunication sit major, aut est lata à Judice; et sic ille qui tulit vel ejus superior potest absolvere; vel est lata à jure; et tunc Episcopus vel praesumptum Sacerdos potest absolvere.

Ita praesumptum p. 441 n. 3, c. c. supra 29, sic inquit: In secundo casu (scilicet si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. excommunicationem non sit reservata) a suo Episcopo vel a proprio Sacerdote poterit beneficium absolutionis obtinere. Nam et tunc, licet sententia ejus sit de jure, non tamen de iudice ligatio, quia tamen conditor legis ejus sibi specialiter absolutionem non retinuit, videtur ipse concessisse facultatem aliis relaxandi. Wheresoever therefore censure is not reserved by right, by itself right gives power to absolve any Confessor, as understood under the name of his own Priest, as we have approved in book 6 on Et here it must be noted: if a Confessor be elected for supplementation, he may well be confirmed through another three-year period after the time of supplementation, since the prohibition against not electing a Confessor beyond a three-year period, because odious and strictly to be received concerning ordinary election but not extraordinary, should not result in excommunication being reserved to the Bishop or his own Priest for absolution. D. 2 p. 11 § 5 n. 3, cum .

Sporer d. n. 44, cum Con. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. hanc absolutionem Parochi et alii Confessarii impertiri possint tam infra quam extra confessionem. Reason, because the Decrees of the Pontiffs usually regard chiefly the external forum, and since favors of Princes ought to be enlarged, it is not a reason why merely the internal forum should be addressed in Lib. 186. VII. Let the censures ecclesiastical and irregular be restricted thereto.

They advertize 3. Th. If a Confessor be chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary; for if any Confessor be chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. Confessarii possint absolvere non solum ab excommunicatione, sed ab omnibus aliis cen-suris non reservatis, nempe a suspensione et interdico personali, etsi absolutio earum non requiratur ad perceptionem Sacramenti Poenitentiae. Reason, because that concession, since it is favorable, justly extends to all censures. It is certain and common among all DD. bishops and confessors to be able to absolve from minor excommunication those who are innocent.

See c. 3 n. 166, with Navar. Th. in 4 D. 28 q. 2 art. 1 q. 1, ibi: Qui potest absolvere a peccato participationis, potest quoque absolvere ab excommunicatione minori. But it must be entirely denied with . 7 s. 4 n. 17. . 2 p. 2 n 23 et Soto, according to whom it is said, that one ought to be absolved from minor excommunication either by the Bishop or by his own Priest; but it certainly cannot be understood as a simple Priest; since according to the Decretals of Innocent XI., related in tractate de v. Quesitum est: si vellet sacerdotes simples absolvere a venialibus.

These render the first sentiment entirely improbable. 72 To be said II. Concerning censures inflicted by a layman, if a Confessor is chosen as an addition, it can be well confirmed through another triennium after the time of the addition, because the prohibition against electing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood with reference to ordinary election, not extra-ordinary; if a censure were pronounced as a particular sentence against a determined person, it cannot be absolved from that except by him who imposed it, or by his Superior, or by his successor or delegate. It is certain and common: see Croix l. 7 n. 13i et Salm: c. 2 n. 50. If a confessor be chosen for supplement, it may well be confirmed by another triennium after the time of supplement, because the prohibition of not choosing a confessor beyond a triennium, as odious and strict, is to be understood of ordinary election, not extraordinary. For if a confessor be chosen for supplement, it may well be confirmed by another triennium after the time of supplement, because the prohibition of not choosing a confessor beyond a triennium, as odious and strict, is to be understood of ordinary election, not extraordinary. But

if the judge testifies externally that the censured one has already satisfied the parts, or been emended, then he himself is deemed to have already absolved, or to have remitted it to some one to absolve; Salm ibidem.

And hereby incidentally to be noted I. If any confessor be chosen for a supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, inasmuch as it is odious and strict, should be understood with regard to ordinary election, not extraordinary. And if the judge testifies excommunication that he has already satisfied the parties or been remitted, then he is deemed either already absolved or to have been sent to absolve anyone; Salm ibidem. An episcopus praesumptus in alieno territorio possit suos subditos absolvere in foro tam externo quam interno semper ac absolutio sit sine strepitu judiciali ut Sylv. Henry

Abase. with Note. II. If a Confessor is chosen for supplementation, it can be adequately confirmed by another three years after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, is to be understood regarding ordinary election, not extraordinary. If someone commits a sin in a foreign territory and is specially excommunicated by the bishop of that territory, he cannot be absolved by his own bishop unless granted permission by the bishop's place. Here Follows. Tour.

Diana, Cand., and with . 37: I have specifically stated, for if he has been excommunicated through a general sentence, he can be absolved by anyone, as will be said shortly. If however a censure is inflicted by a man in the manner of a statutable one, whether it be a general sentence against indeterminate persons minaced either in the future, for example against all who shall commit this crime, or in the past against all who have committed this crime (provided there is a standing contumacy according to what was said in number 54); then others hold, as . 7 sect. 2 nu. 23 and Vasquez c. 2 n. 50 assert, that absolution impending must be from the same one who inflicted the censure, because a censure by a man can according to rules of law be removed by him from whom it was issued. But it is more probable to say that absolution can then be given by any Confessor, if the censure is not reserved, as Bussemakers hold 3. . 3. Resp. 11.

Sporer Supp. pag. 124 n. 53 et Bon. et Croix 1. 7 n. 128 cum communi. Reason, because these censures are equated with wide censures according to law, and hence can be remitted to anyone when dealing with a favorable matter which must be amplified; as much as the matter allows, see cited chapter Nu- per, on the sentence of excommunication. « Resp. 2.

Bishops according to » 6 can absolve themselves in the forum of conscience, » or the Vicar from all hidden censures, presumptuous » in the Bull of the Pope's Reservations reserved, except heresy, à » from which they can absolve themselves only per se, quan- » tum is ex vi hujus decreti; Dicitur autem censura Llb. VII.

Of Censures Ecclesiastical, and Irregularities. "Occulta, qua contracta est ob delictum non publis; cum nec ad forum contentiousum deductum, aut si deductum fuit, à quo reus ob defectum proba- tionis fuit absolutus." Bonac. dub. i q. 3 part. i n. » 15 et part. sec. num. i ex declar. » They can often be absolved from the reserved censure of the Pope on account of the impediment incurred thereby, or when on account of old age, sickness, sex, poverty the Pontiff cannot be approached.

» As regards the power which Bishops have concerning reserved sins of the Pontiff, first it must be noted that it is permitted to Bishops to grant dispensations and to absolve in all regularities and suspensions arising from hidden crimes, except those which arise from murder according to secular law, and except such as are drawn to contentious forum; and also they may freely absolve and apply saving penance to subjects within their diocese who are accused of reserved cases hidden in any way whatever... and to do so either themselves or a vicar specially appointed for this purpose in the forum of conscience. The same is permitted to them in the crime of heresy only in that same forum of conscience, and not to their vicariates. Hence noted. I. Si quis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. Bishops, although they cannot absolve from hidden heresy according to the sentence which we shall soon expound, nevertheless can dispense from irregularity contracted through hidden heresy.

Thus it is permitted, i.e., n. 3338: if a Confessor be elected for supplementation, he may well be confirmed by another triennium after the term of supplementation, because the prohibition against electing a Confessor beyond three years is odious and strictly to be received regarding ordinary election, not extraordinary. For this reason, if a Confessor be elected for supplementation, he may well be confirmed by another triennium after the term of supplementation, because the prohibition against electing a Confessor beyond three years is odious and strictly to be received regarding ordinary election, not extraordinary; so that the crime be not deemed hidden, it is required either that it be drawn to contentious forum or that it be known to almost all, as he says or at least to a greater part according to Matrim. 1. 8 D. 34 n. 55, etc.) p. 2 c. 13

n. 300. See the aforementioned at 1. 6 n. 503, v. Here however and n. 1111. Atque igitur crimine censetur ad forum deductum, cum ibi est saltem probatum per unum tésp. Capitulum I.

Dub. V. On Censures in General. 289th topic. Accordingly, if in no way whatsoever has it been proven, even though the Defendant may have obtained this by fraudulent means and thereby been acquitted, because still it is deemed occult; thus 1. 8 D. 34 n. 57. c. 2 n. 6o, together with Con.

Avila. i C. res. inter, etc. Res inter alios acta, non potest ad alios praefieri prejudicium, quibus res judicata non nocet. Thus . when this is in doubt. i. Whether it is possible to be absolved by the Bishop from a casus papalis of 77, which has already been punished in another Bishop's forum where the judgment is definitive? The first opinion affirms, and holds this, according to chapters 11 and 21, and 62, namely, that in such a case neither scandal nor the authority of the judges is prejudiced.

The second opinion, however, more common and truer, denies this, holding to it instead . 4th part, 2nd section, 6th number. 4th Digest, 4th p., part 3, § 1, n. 17. . 7th number, n. 146 with Mascard. Question 2. Whether a crime committed in one place can be publicly absolved by a Bishop in another place where it is hidden? They deny it. Doctor inceptus, quaestio 3, partitas 2, nota 3, et tertio secundi libri secunda nota 3.

But it probably affirms verily 2 e. 11 n. 20. 2 n. 62, with .cum. Avalle, et aliis apud Croix 1. 7 n. 144. Provided that the place where the crime is known is so far removed that there is no fear, if a Confessor be chosen as supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period, inasmuch as it is odious, strict and to be received for ordinary election, not extraordinary, shall be published where it is, kept secret. Notand.

III. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. nomine Episcoporum veniant 79 Abbates, et alii jurisdictionem Episcopalem habentes, ut n. 54, cum Henr. Say, and 190

Croix l. 7 n. 141.) see what is said in l. 6 n. 543 v. 1: ibid. Notand. IV: If a Confessor be chosen for supplementation, it can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, as odious and strict in ordinary election but not extraordinary, should be understood from the election of subordinates coming presumptively to wander, and all who have an intention to remain in that place for the greater part of the year, as Croix l. 7 n. 136 with l. 6 n. 594 Dub. g. 80 Notand. VI. Regarding the faculty conceded by Trident to Bishops in c. Liceat for absolution or dispensation from Papal cases, or from hidden irregularities, if a Confessor be chosen for supplementation, it may be well confirmed through another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond a triennium is so odious and strict as to be received in ordinary election, not in extraordinary, whereupon he says: Ex sententia Sancti Conc.

Bishops of those Regions, in which the Council has as yet not been received, cannot use the faculty granted by this Decree. Nota deinde ibidem declaratum fuisse, neminem Cardinaliburn competere illam praedictam facultatem, etsi Ecclesiarum Urbis titulum habeant. Si quæratur. I. Episcopi illorum Regionum, in quibus Concilium adhuc receptum non est, nec praedictam facultatem Cardinalibus competere, si quaestio. Whether a bishop can dispense in irregularities and hidden suspensions with his subdeacon who is residing in another diocese?

The first opinion denies it, and this is held by Avila, according to Ratio (as they say), because the Council granted bishops the faculty of dispensing only in their own Diocese. However, the second opinion is more common and probable, affirming this, which are held in Chapter Two, Article Eleven, Number Twelve. Your D. 41 sect. 1 num. 10 and 12. Bonacin.

D. 1 question 3 paragraph 2 number 1 verse. Thirdly, and page 7, question 5, number 4. Diana page 4 treatise 4 response 96. Conc. 1. c. Cum. etc. Ratio, quia dispensatio per se potest concedi absentiae; ergo non oportet ut dispensandus ad sit in dioecesi cum actu jurisdictionis voluntariae possit exerceri praesumptum extra territorium.

It does not hinder if someone is chosen as Confessor for supplementation, who can be sufficiently confirmed by another three years after the time of supplementation, since the prohibition against choosing a Confessor beyond three years, insofar as it is odious and strict, should be understood

of ordinary election, not extraordinary. For it will be said in Diocesei sua; namely, if someone is chosen as Confessor for supplementation, he can be sufficiently confirmed by another three years after the time of supplementation, since the prohibition against choosing a Confessor beyond three years, insofar as it is odious and strict, should be understood of ordinary election, not extraordinary. Or that particular clause will be sufficiently verified when either the Bishop or... Chapter I. Dub. V.

On Censure in general. 191: A subject exists under his own diocese, as the Cont state. R. 3 et Vel si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Praefata particula referatur tantum ad secundam partem, ubi agitur de absolutione osculorum, ut respondent n. 13. Cum ex quo hi Auctores inferunt si aliquis Confessarius eligatur pro supplemento bene possit confirmari per aliud triennium post tempus supplementi quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinaria. Quod etiamsi uterque tam Episcopus quam subd. tuus sint extra Dioccesim poterit Episcopus dispensare ab irregularitate et absolvere a suspensionibus. Unus autem Episcopus possit absolvere, et delegare facultatem absolvendi ad caecos Papales extra Sacramentum Poenitentiae? They affirm. 2 n. 54.

But today it is utterly negated by the Declaration . . . referred to in lib. 6, n. 593. Question None. II. The aforesaid fault from Trent.

The episcopal concession of eight years, if revoked by a Bull of the Coenæ, shall be sufficiently confirmed for another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond three years is to be strictly and odiously received regarding ordinary election, not extraordinary; which, if a Confessor be elected for the supplement, can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond three years is to be strictly and odiously received regarding ordinary election, not extraordinary. heresy; and other cases reserved in that? There is a double opinion. The first opinion denies it; and this is held by 260: namely, Bannæz, Vega, Sa, Arag. . All. 40 n, 21. Likewise Coninck, Avila, Becan. Great.

They think it probable. C. 10, n. 2, p. 55. Reason (as they say), because in the Bull of the Coena there is no mention made of the concession granted to the bishops by Monachus; for the Glossa ibidem says: "No mention"; and from chapter Nolli of Rescripta, and also ibid. Glossa verbo: Fe-ceri

mentionem. And according to this first sentiment, they mark that if a Confessor be chosen for supplement, it may well be confirmed by another three years after the time of the supplement, because the prohibition concerning the choosing of a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood of an ordinary choice, not of one extraordinary.

The Bishop can circumscribe the crime of heresy, although he cannot concede another general faculty of absolution from that, since such a faculty has been granted only to the Council of Bishops themselves and not their Vicars; nevertheless, he can delegate it in a particular case; because as it is annexed to the episcopal dignity, it competently belongs to bishops by ordinary right, and therefore it can be delegated to others, except in the manner expressly prohibited to them. The second opinion, however, is more firmly affirmed, and this they hold according to 2 c. 11 n. 27. Pignat. t. 1: Cons. 291. Lugo de Peinit.

D. 23 sectio 2 caput 1. Anacl. de Fide D. 4 p. 124 n. 30. 2. Resp. 23. Transp. 4 quaest. 1 cap. 6 quaest. 4. Cross 1. 6 pag. 2 n. 1617. . 3. . n. 7.

Vidal in ibidem, p. 486 n. 253; Ugolino and others; likewise Fagnani 1:1 in c.: Since he presents two similar Declarations of faith on the same day, one dated 4 Dec. 1642, and the other 28 Oct. 1741. Benedictus doctorem omnino tenere eamdem sententiam. XIV. De Petro: Supr. prius censuerit probabilem primam opinionem, sed deinde in tract. de Fide D: 1 §. 4 n. 13, ab illa recedisset et assererit, ipsam revera omni probabilitate esse destitutam. Our opinion is confirmed by the words of the same Bull of the Coena, in which it is stated: No one can absolve except through the Roman Pontiff, except in matters concerning death, under pretext of any faculties or pretended rights; whether such persons be invested with Episcopal or greater dignity... through Us and the said See, and through the decrees of any (notable) Council conceded by Us or to be conceded.

By which last words now it is apparent that the concession of Trent has been derogated from. Nec obstat ratio opposita, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Per clausulam generalem non revocentur facultates concessæ per concilium Generale. For it is replied that this place is held when the revocation is

made by Rescripts, not rather when it is made by Pontifical Constitutions; for in the aforementioned texts adduced (as the reader can see) there is only a discussion of Rescripts. Very greatly differs is the reason between Rescripts and Pontifical Constitutions; for Rescripts, because they are contrary to law, and on account of the urgency and multitude of petitioners, are not made with that ripeness and deliberation with which the Constitutions of the Popes and Decrees of Councils emanate; therefore Chapter I.

Dub. V. Regarding confessors in general. If a confessor is chosen for a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a three-year period, as odious and strict as it is concerning ordinary election, not extraordinary, according to rescripts, does not proceed from constitutions, as Fagn. notes in d. c., Non-nulli, p. 47 q. 4, with Card. de Luca, and the common opinion. And therefore observes Trent to have derogated from many decrees.

Coenauris. Generalium, nulla ipsorum mentione; imo idem Fagn. l. 3 in c. Nulla de Concess. preb.. n. 86 testatur. S. Pius V in certain Motu proprio (referred to in writing by Nic Garcia) declared that it is sufficient for revoking the Council if a Confessor is chosen as a supplement, and that he can be suitably confirmed through another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, since it is odious, strict, and to be received in reference to ordinary election, not extraordinary, if a Confessor is chosen as a supplement, then he can be suitably confirmed through another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, since it is odious, strict, and to be received in reference to ordinary election, not extraordinary. The Pope may dispose otherwise by signing the supplication with his own hand.

In addition, blessed be Benedict. XIV. testifies, S. Pius V. and . (and the same is asserted by P. . c. p. 4 and others among ; no one except the Pope today presumptuously to absolve from heresy has ever been thought to have had the authority to do so in secret. Moreover, as described in the Life of Saint Francis de Sales written by Peter Gallicia, book 2, chapter 32, it is narrated (as noted by the same Benedict) that if a Confessor is chosen for supplementation, he can be well confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious, strict and to be accepted, applies to ordinary election rather than extraordinary, given Pope Clement. VIII.

Salesianus pro examine ad Episcopatum presentatus interrogasset, an posset Episcopus ab haeresi absolvere; responderit affirmativae. With the Pope having joined: But we do not feel thus. And then St. Francis said: Most blessed Father, if St. V does not hold thus, neither will I henceforth hold thus. Reply. 2. Si quis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Etiamsi ad derogandum Quenam hic expression mentio fieri debebat?

The more so, if a Confessor be elected for a supplement, he can properly be confirmed through another three years after the term of the supplement, since the prohibition against electing a Confessor beyond a three-year period, inasmuch as it is odious and strict, pertains to ordinary election, not extraordinary. For if a Confessor be elected for a supplement, he can properly be confirmed through another three years after the term of the supplement, since the prohibition against electing a Confessor beyond a three-year period, inasmuch as it is odious and strict, pertains to ordinary election, not extraordinary. This alone adds to these the condemnation of Proposition 3 from . which said: The sentence asserting that the Bull Cene only prohibits absolution for heresy and other crimes when they are public; and this does not derogate from the Tridentine faculty concerning secret crimes, in which year 1629 July 18 was spoken about at the Consistory S. C. Eminentiss. VII. 13 i94 Lib. VII. Concerning Censures Ecclesiastical and Irregular. XIV. If a Confessor is chosen for a supplement, he can be confirmed satisfactorily through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is odious and strict as regards ordinary election but not extraordinary; hence, if a Confessor is chosen for a supplement, he can be confirmed satisfactorily through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is odious and strict as regards ordinary election but not extraordinary. By this condemnation the first sentence so much disturbed in its probability (if any it has), no longer seems more probable now.

Neither does it hinder to say with Coreglia, Concilium: that if a Confessor be elected for supplementation, he may well be confirmed by another triennium after the time of supplementation, because the prohibition against not electing a Confessor beyond three years, as odious and strict in regard to ordinary election, not extraordinary, has not been damned by the pontiff but only if such confirmation by another triennium after the time of supplementation is seen and tolerated in Consistory; and for this reason

they think that it has left her probity unrejected. Nam responditur, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. licet Pontifex directè solum damnaverit factum, nempe si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. visa fuerit, et tolerata, indirectè tamen aperie ipsam sauciaverit opinionem; nisi enim falsam existimasset, non utique tam sollicitus fuisset de mendacio illo damnando; cum igitur declaravit eam non fuisse toleratam, implicite declaravit non esse dignam ut toleretur. From all these things the aforementioned Blessed one concludes. XIV. 1. c. n. 4, hoc diè Episcopos non sine temeritatis nota hanc auctoritatem (nempe absolvendi ab haeresi) posse sibi ostendere, et tanto minus delegandi.

Therefore, the Bishop alone can, as Delegatus Apostolicus, absolve an heretical notorius from censure for external forum, as stated in chapter 84 Question NoneIII. Whether bishops can absolve from censures of the Bull Cœnæ impedientes, so that those affected do not go to Rome? There are three opinions.

The first absolutely negates with Bonac. in Q. 22, part. 2, n. 22, who quote not properly about this sentence). The reason of Bonac. is because an article of death alone is excepted in the Bull, and furthermore because contrary is not probated by any law; but it is not suffragated that epikeia (as he says) should be granted in this case, where it is certain there was a contrary intention of the Pontiff; nor does the text add otherwise, because either faculty for absolution by Bishops is not given there, or if it were given, it was revoked by the Bull of Cœnæ; and it would have been fitting that the Decree of Trent be revoked. It nevertheless admits Greeks celebrating, communicating, and similar [cases]. The second sentence grants to bishops that they may absolve from all other cases except heresy. Thus concerning the Third and Fourth [heads or points].

Reason why heresy is excepted, because in general permission given to absolve from other cases does not confer the faculty of absolving from heresy, as he declared. But this reason is weak, for according to what will be said below, this faculty does not arise from concession, but from episcopal, and presumptuous mind of the Pontiff. The third common opinion, to which I subscribe, teaches that Bishops can legitimately absolve from all cases in both forums those who are lawfully impeded; and moreover, although presumptively absolved from heresy, they may still present themselves afterwards before a Superior, as will be said below. Ita. d. Q. 2 R. 11. num. 218. 10 c. 2 n. 73, et tr. 18 c. 4 n. 164. 3.

Alexand. VII. n. 5. When the reason is that, due to an impediment to reaching the Pope, ordinary power is restored to the Bishops, no longer through the Tridentine manner but through the manner of common law; And this is proven from c. Ea hoscitur. 13. Regarding excommunication from the Senate: Although women, the sane, and those who are invalids or whose limbs are deprived of strength may not approach the seat of the Apostles, they may nevertheless receive communion from the bishops in faith. The same is confirmed in c. Quamvis 58, id. tit., where it is stated that if a Confessor is chosen as a supplement, he can be well confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond three years, as odious and strict, must be understood with regard to ordinary election, not extraordinary. Therefore, the cleric must be absolved from censure by the Apostolic See: unless (is added) by reason of death, infirmity, enmity, or want, children or aged persons in catalepsy, weakness of sex; or any other bodily impairment, or any canonical impediment is removed, so that he may not be prevented from approaching the Roman Pontiff.

The same [rule or prohibition] is extended. Furthermore, and in c. Nuper 20, same title where it is said more generally at the end, if a Confessor be chosen for a supplement, he can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period, as odious and strict, should be understood in regard to ordinary election, not extraordinary. For when anyone has difficulty in approaching justly for absolution from excommunication from him before whom absolution was to be sought, it may happen that he is absolved by the Bishop or his own superior. VII. de clericis ecclesiasticis; et irregularibus cordote. Even so, the aforementioned Canons speak of censure on account of the Clergy's percussion, because this is more frequent; nevertheless, commonly the Doctors extend it to all other censures in which the same reason for the salvation of Souls prevails, as stated in c. Cum dilecta, de Confirmat., etc., for there it notes Glosga.: Where the same reason applies, the same right should be held.

Thus c. Imo (as it is well noted) in c. Eos, qui 22. On excommunication from Sentences 6, universally it is made whole, all papal cases being able to be absolved by another when there is an impediment for the Pope's presence. Thus it is found there: Those who are under the judgment of a canon or a man, when they are prevented by legitimate impediment from obtaining absolution to which they were otherwise entitled by law, cannot have recourse to another for absolution on account of the benefit of that absolution. By which words "To" from the canonical sentence are understood all cases reserved to the Pope, as noted by the Glossa with the word "Canonis." 85.

Question None. IV. Who are said to be legitimately hindered? They are said to be legitimately impeded (as is evident from d. c. Ea noscitur. i3 de sen- tent. excom.) women, old men, and those in poor health.

They are gathered in c. Quamvis: children, poor individuals, those having enmity or other just excuses (as it is said in c. De caetero eod. tit.), by which they may reasonably be excused from the journey. By His words are comprehended all other just impediments, which we shall annotate below. But here it is previously to be adverted that if a Confessor be chosen for the supplement, it can well be confirmed by another triennium after the time of the supplement, because the prohibition concerning non-choosing of a Confessor beyond a triennium, as being odious and strict, should be understood regarding ordinary election, not extraordinary; if an impediment be only for a brief time, then even though one have been censured reservably, he cannot be absolved by another, unless necessity for celebrating or communicating urge it, namely to avoid scandal or infamy. If nevertheless the impediment is for a long time, for example, one year; or six months (or Mendoza in . 3 . n. 6, to one night, but that if any Confessor be chosen for supplement, it can well be confirmed by another three years after the period of supplement, because the prohibition against not choosing a Confessor beyond three years is odious and strictly to be understood concerning ordinary election, not extraordinary; ceasing the impediment, he should more diligently present himself before the Apostolic See, as is contained in c. Decætero de Sent., omitting to present himself he fell again into the same excommunication, from c. Alias omittens se præsentare reiacidit in eamdem excommunicationem, from c. Eos qui.). Of Question 4, Response II, with Mansius: And he is excused from this obligation to present himself, even if the Confessor omits to impose it upon him, since it has been imposed by law. . 2 c. 13 n. 5 a. 46.

It suffices, that the Defendant presents himself through a procurator, Leand. Avili. et Potest. n: 335 r, qui excipit casum percussionis Clerici, pro

quo in c. Si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria.,quod, si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. de his. Here there is doubt whether, if it be openly established that the Accused has privately made amends and has satisfied the parties concerned, he should be excused from such presentation? The first opinion affirms, and this is held by n. 66; who consider it at least extrinsically probable.

Reason, because (as they say) the end of the Pontiff is none other than the correction of the crime and the satisfaction of parts; and this they infer from c. Quamvis de Sent. exc., where no other reason for presentation is expressed except that the Accused may receive the mandate to satisfy: Let them approach the Apostolic see, meekly accepting the said mandate. But the second opinion denies it to be common and probable; which they hold according to S. Thomas, Summa Theologica, III q. 3 n. 62 c. 13 n. 29. And the reason is because the mandate, if some Confessor be chosen for the supplement, can well be confirmed through another triennium after the time of the supplement; since the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood only of ordinary election and not extraordinary. It must therefore be held that the accused should be present at the session, not merely to accept the mandate for fulfilling the satisfaction due from the injured party; for this obligation is naturally inherent in every injury; but rather to accept what the Pontiff imposes as a means of accomplishing the same criterion, according to Croix h. 7 n. 164, when he says. Although it be supposed that a case concerning one who has already satisfied occurs. And concerning those cases, the Bull Coene states this in its own text at the end expressed thus: twice affirmed in these censures: no one through another to the Roman: Non tenet, unless de diis. It is said, consist thou, between him whence unless given: solution of the Church unto these last and stigmas abino t98 Lib.

VII. Of Ecclesiastical Censures, and if moreover an impediment exists: altogether remain free from obligation perpetually; Boan. D. i. p. 3 p. 2 n. 4; Permit. Q. 9 Potesta n. 3349, Ronc, d. q. 4 R. 11; Dicuntur autem perpetuo impediri, I.

Filifamilias; argum. c. Regularis ex cap. Monachi et cap. Cum illorum. 32. § Qui de Sent excom. - etiamsi incursa sit censura antequam ingressus

fuerit in Religio- nem, ut p. 364 n. 126. For they can be absolved by their own Prelates; unless (as is excepted in c. 32) there has been an enormous excess: See elsewhere concerning imposition. n. 280. III. Elderly from c. That is known from no. 27, with Sylv.

Sayers andgraf. By the name of old age come not only: septuagenarians, as P. Milant says in Prop. 3; but also presumptuous sexagenarians, as probably P. . 1. e. according to what is said about Jejun. 1. 3 n. 1036. Not truly, however, do the quinquagensarians come, as probabilistically stated by Fajin: ap. IV: Servi.

V. Poors, namely those who by poverty cannot seek Rome, so that even in chapter quamvis from the Sentences excommunication applies. If paupers, namely those who by poverty cannot hinder their journey to Rome, as stated in c. quamvis de Sentences excommunication, so that they may wander according to methods, and thus the text is understood in c. Ka nosatur, codex titulus as Gbossa explains there at p. 23 n. 18. VI.

Prisons; or condemned to perpetual service on triremes, and similar punishments. VII. Weak, namely those laboring under long and grave illness, albeit not fatal, such as quartana, as P. Milante says in prop. 3. damn. From : is Innocence.. III.

Splm. et Potestd oum. Rat. Whoever adds these debitenda, consider the delicate ones, hardly the labors of the journey. But for the just ones, unless the delay is in perpetuity, Rapa must be consoled, exc.

Many matters concerning the Sentences, excommunication. VIII. Curd obscerici alendi, aved- ministrandi familiam, vel publicum gerendi officium, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. non possit relinqui sine publico detrimento, . IX. Women, not only Monastics about whom it is certain from c. De Monialibus 33 de sed omnes mulieres: Reason because, although in c. Quamvis de Sent. excom. etc., they are excused by themselves presenting themselves, no other reason is assigned, except that women are [so excused].

Thus Milanensis in the decretal proper, lib. 3, cap. 23, n. 8, against censure on account of violation of the supposed clausura, excepting the article of death, according to the Declaration of Gregory XIII, as we said in l. 6, n. 503. The Pontiff, however, specially reserved that for himself,

although he knew the Moniales to be perpetually hindered. The pontiff, however, specially reserved it to himself, although he knew that Mouiallès were perpetually impedited. Minors, whose absolution is granted ex ordine juris to Bishops at the end of canon 67; nevertheless, in accordance with the aforementioned.

Since the rigor should be tempered due to the defect in the statute wherein the transgression was committed. However rightly Avila observed there, if a Confessor is chosen as a supplement, then it can be well confirmed by another triennium after the time of the supplement, because the prohibition of not choosing a Confessor beyond a triennium, insofar as it is odious, strict, and to be received as such for ordinary election and not for extraordinary, if someone lacking the faculty of absolution absolves an impuberem in danger of death, the Papal censure should impose on him that he present himself to the Bishop outside the danger. They are considered hindered from absolution who live two lives simultaneously, like soldiers, or those who reside in seminaries: Wherefore bishops can absolve them in cases reserved to the Roman Pontiff, as Milante in d. prop. 3 et . 41 n, 16, where it is given to the bishop the faculty of absolving those who live two lives simultaneously, if anyone of their clerical companions should strike them, provided that the blow was not severe. Finally, it is considered hindered those who cannot undertake a journey without grave spiritual or temporal damage to themselves, or to two others. c. ex c. Quamvis de 200 Lib.

VII. Concerning Excommunications and Excusatio, where it is said that any canonical impediment is removed, whether through excusatio or otherwise. That is why those mentioned above are said to be perpetually impeded; it suffices that they labor under such an impediment for a decade, and according to n. 6, and q. 4 R. II. But always those clergy who strike lightly shall be absolved by the Bishop, according to the argument of the chapter Pervenit, De Sentences excommunication, see what is said n. 279. 89 Question None

V. An impeded by a from going to Rome in person, they are bound to go at least through letter or procurator, for obtaining absolution from the aforementioned cases? It is affirmed by Bon. d. r. 3 p. 2 n. 4 (to which Potestà t. 1 n. 3346 adheres), thinking that if a Confessor is chosen as a supplement, he can be suitably confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood regarding ordinary election rather than extraordinary; for cases of hidden necessity recourse should be had by letter to the Sacred Penitentiary when conveniently possible and no impediment prevented;

since for this purpose the Sacred Penitentiary has been instituted by the Pontiff. This sentence is probable, but more probable and common is the negative opinion with Rom. d. q. 4 R. II. (qui vocat tutissimam sententiam) Mi- lante in prop. 3 . . n. 7. . 1 p. 2 § 5 n. 6, et c. 2 n. 65, cum Con. e. n. 563 v.

Dub. 3. The same [author] [dictates] 4 n. 13, who introduces the case of heresy, but reject this exception [1 p. 2 § 5], with 6 p. 2 n. 1624. The reason why, because of a hindrance to going to Rome, restoration (as we have said) gives ordinary Episcopal power to absolve by reservation of the Bull taken away; and because (as it is said in the chapter), the law does not bind the accused unless he personally appears before the Pope: hence, if he cannot do this, he is not bound thereby. Moreover (as he adds appropriately).

Poenitentaria est privilegium, sed privilegia ut possibiliter favorabilia nullam inducebant obligacionem eisdem utendi. And thus likewise by the Bishop in the case of impediment the defendant may be absolved; even if there is a Neantius Apostolicus who can easily be approached; as they hold more probablistically. God. n. 65, with Henry and Lugo, cited by Croix l. cit. (contra) Thus indeed. Nuntius. sicque et Episcopus tunc absolvere potest ex delegatione Pontificis. Question None.

VI. In a particular case, wherein a Heretic is prevented from recourse to the Pope, no Bishop may absolve him therefrom (according to the aforementioned sentence referred to above in Question). III.), not only by itself, but also through others? We have already said above in the question.

II. n. 82, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Extra casum impedimenti non possit Episcopus absolvere ab ullo casu in Bulla Cœnæ reservato, et tantùm minùs delegare. In the case however of an impediment, we say with Bonae. In Bulla Cœnæ D. 1 q. 22 p. 2 n. 14. If a confessory is chosen as a supplement, it can be rightly confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessory beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary; if, moreover, a confessory is chosen for a supplement, it can be rightly confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessory beyond a triennium, inasmuch as it is odious and strict, should

be understood concerning ordinary election, not extraordinary. According to Alexander Confess.

Nor does it hinder the Tridentine decree in the lauded canon [Liccat], where, when the discussion is about heresy, it is said: Permission to absolve is granted solely for them (theetics), not for their Vicars. For correctly respond 'AA' to the cited, if a Confessarius is elected for supplement, it may well be confirmed by another triennium after the time of supplement, because the prohibition against electing a Confessarius beyond three years, inasmuch as it is odious and strictly to be understood in regard to ordinary election, not extraordinary, that which proceeds according to the ancient prescription of Tridentine, where permission was given to Bishops to absolve from hidden heresy even outside the case of impediment; but since matters concern impediment due to going to the Pontiff, the faculty of absolving from heresy and other cases belongs to Bishops not now by virtue of the Tridentine, but by virtue of common law, as generally it is understood DD. As we have widely approved in the said Question: III. n. 84, from many texts quoted therein. Wherefore, since in the case of impediment the aforementioned faculty according to ordinary law regards the Bishops, so if a Confessor be elected for the supplement, it can be well confirmed by another three years after the time of the supplement, because the prohibition against electing a Confessor beyond three years is odious and strict, as being applicable to an ordinary election, not to an extraordinary one; which, if a Confessor be elected for the supplement, can be well confirmed by another three years after the time of the supplement, because the prohibition against electing a Confessor beyond three years is odious and strict, as being applicable to an ordinary election, not to an extraordinary one, this faculty is annexed to the Episcopal office and dignity, wherefore it can generally be delegated by them. And this is according to common doctrine AA., namely, if a Confessor be elected for supplement, he can properly be confirmed by another triennium after the time of supplement, because the prohibition against electing a Confessor beyond a triennium, since it is odious and strict, should be understood in terms of ordinary election, not extraordinary; therefore, if a Confessor be elected for supplement, he can properly be confirmed by another triennium after the time of supplement, because the prohibition against electing a Confessor beyond a triennium, since it is odious and strict, should be understood in terms of ordinary election, not extraordinary. All those who have ordinary power ought to delegate this, as they teach . 11 de 17, de Voto c. 3 n. 83, cum communi, p. 194 v.

If a confessarius is elected for supplementation, it can be well confirmed through another triennium after the time of supplementation, because the

prohibition against electing a confessarius beyond a triennium, inasmuch as it is odious and strictly to be received regarding ordinary election, not extraordinary one, regards this itself; namely, that all who have the power of ordination should delegate it, as they teach 11 de 17, de Voto c. 3 n. 83, cum communi, p. 194 v.; likewise, Holzrn. 4. 1 p. 98 n. 485, and others similarly elsewhere. More 5, de Juris, 202 Lib. VII. Of Censures Ecclesiastical and Irregular, it is defined in the dictionary of all Judgments where this is explicitly stated: He alone can mandate jurisdiction; who possesses it by his own right (that is, ordinarily, as explained there by the Glossa), and not by extraneous benefice. It is certain on the contrary, if a Confessor be chosen for supplementation, he may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period, inasmuch as it is odious and strict, ought to be understood regarding an ordinary election, not an extraordinary one. For when any Prelate is given some power, and such power or dignity is annexed to his office, that power should be, or at least equalled to the ordinary power; this teach they themselves, c. 5 de et 1 tr. 5 c. 22 n. 6, who prove it from 1. 1 ff. de Offic. ejus cui comm. est jurisd. et ex c. Quoniam de Offic. deleg.

Question. VII. An quando ob mortis periculum vel ob alium impedimentum remittitur a inferiori peccatum reservatum sed absque censura imponendum sit onus Poenitenti ut superiori se praesentet? They deny it, Chapter 2, paragraph 13, note 24, when citing Córdoba and Zambran, as well as Chapter 2, paragraph 46, who in turn cite Sentences 30, 3, note 6, but not correctly, as will be seen below.

Reason (as they say), because in that case the sin is directly remitted, and because no legal provision requires such a burden of comparison to be imposed. But it must be entirely distinguished: if a sin has been remitted in the case of mortal danger or at the point of death, then no obligation remains for presenting oneself to the Superior, because then truly directly the sin was remitted with that case; once all reservation ceases, as rightly teach 21c. cum Palud., and 3 R. 66, provided that the sin has been remitted by a subordinate on account of some impediment in reaching the Superior beyond the mortal danger point, because then no one inferior can directly absolve except reservedly, according to what is said at 1. 6 n. 585 v. Dub. 1. Wherefore, the Penitent, so that he may afterwards be directly absolved by the Superior, is entirely bound to approach him when he has completely recovered; this is most common: 1. c. n. 8.

Soto, opened question: 164, with common, as he asserts. Question. Eighth. An impediment hindered from going to the Bishop for these censures, or other reserved ones, can be absolved by whoever from any Confessional?

They commonly deny it. Dec.: ato: ap. . Because this is conceded only to bishops by law, and it does not hold in positive law either, argue they equally. But they probably affirm with the obligation nevertheless to be compared before the Bishop when the impediment ceases) Rone. d. c. 6 Q. 4 R. III. . 2 p. 11 § 5 n. 6: : x64 n. 750. Cross book 6 page 2 number 164, when.

Eng. and: Tab. Salm, de censu, cap. 2, nota 93, ad finem, cum Tann. Silv. Henr. . c., cum Perez, Ratio; tum quia, ubi eadem: ast ratio, idem jus debet esse, ut dict Glossa in c. Cum Dilecta.

From the confirmation. Then because there is no lack of a law expressly indulgent; for in c. Nuper, 19. The censure of excommunication is held according to what was previously noted: if a Confessor is chosen as a supplement, he can be properly confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, insofar as it is odious, strict, and to be received as referring to ordinary election, not extraordinary, prevents one from having just cause to be impeded from going to the Superior who has the right to absolve from censure, so that he may be absolved by the Bishop or his own, according to canon 3 n. 164, from the decree Omnis; and when the cause cannot be verified in such a way that the Priest absolves the Accused from censure reserved to the Pontiff, even then it should be verified if the Bishop can be convened, as rightly argue Rone et al., according to the aforementioned text, impeded so as not to approach the Pope, being able to be absolved indistinctively by a own Priest. But more probably I think with Rone 1.c. and others commonly as above, this is not to be admitted, except when there does not appear an easy recourse to a Bishop; for then from his own Bishop, or his own Priest, commonest of all Doctors.

They are interpreted not disjointively: but subordinatively, namely when the Bishop cannot be approached. The more so if a Confessor be chosen as a supplement, he may well be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond three years is so odious and strict in the case of ordinary election, not extraordinary; for which reason, if a Confessor be chosen as a supplement, he may well be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond three years is so odious and strict in the case of ordinary election, not extraordinary. Seeing that this cannot be otherwise. Pontiff, let the Bishop approach. Sufficiently presumptive is it probable with Sarrez, ut notavi l. 6 n. 563i, v: Dub.

I. If any Confessor be chosen for supplement, it may well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election rather than extraordinary, even in the article or case of imminent danger of death any Confessor: may, presumptively before the present Bishop, absolve from Papal cases, because then all reservation ceases. Neither does the aforementioned text above cited in c. i r et i 3 de Sent excommine. Nam probabiliter respondet. Of the cherics, of whom they speak, not indeed in others.

Besides, if some Confessor be chosen as supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is so odious and strict that it must be understood concerning ordinary election, not extraordinary; for no express text has been found which prescribes at the point of death, if some Confessor be chosen as supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is so odious and strict that it must be understood concerning ordinary election, not extraordinary; which, if some Confessor be chosen as supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is so odious and strict that it must be understood concerning ordinary election, not extraordinary. thereby the bishops will more easily remit from censures reserved to the Pontiff. However, it is preferred . c. if the case reserved to the Pontiff were hidden among others, because then it would have competence by virtue of ordinary jurisdiction. The Bishop may be absolved from that by him, according to the blessed Decree of Trent, chapter Liceat. Whereby it is reckoned then entirely necessary to approach the Bishop if recourse is had to him, since at that time the case is reserved to himself by right.

However, notwithstanding this, to me and other juniors it seems probable; even if the crime was hidden, it can be absolved in the danger of death by a simple confessor, while still present with the bishop, because in such a danger (as we said) all reservation whatever of whatsoever sins or censures ceases, as Neque in hoc mihi contradixit dicto n. 563: Dub. i. where it seems to me opposite was delivered, for there the talk is of censures reserved by the same bishop and in that case, when the confessor should impose penance, so that he himself may present himself before the bishop after recovery to receive from him a suitable penance (as commonly taught by DD. cum de Cas. res. l. 5 c. 10 § 4 ex c. Quo de iis,

and c. Saepe, de Sat. excomm. and it is signed ex c. Eos qui, where if that is expressed: they note there too n. 5. with Val. if a confessor is chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a confessor beyond three years, since it is odious and strict, should be understood in reference to ordinary rather than extraordinary election; so that, if a confessor is chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a confessor beyond three years, since it is odious and strict, should be understood in reference to ordinary rather than extraordinary election. In this case, from external confession the confessor shall demand from the penitent the justification of his presence before the superior, when he will first be able, but for internal confession it suffices that they say: concerning the present bishop at least, so that he not refuse absolution by a simple confessor; But when it comes to papal censures: a sick person who has passed the danger should not go to the bishop, but to the pontiff, wherefore this reason ceases why before the present bishop cannot be absolved. An autem in articulo mortis Laicus, aut simplex Clericus possit absolvere a censuribus, deficiente Sacerdote; i probabilius negandum juxta dicta l. 6 n. 540. Now however, having received reserved sins and censures, note them to be exposed by a Confessor lacking authority over them, in a case where necessity demands communication or confession, and access does not exist to the Superior? See what is said concerning the Eucharist, l. 6 n. 265, v.

Inquire. II. We have already said that he is to be delayed; see the reason for this there. But if someone is prevented from going to the Bishop, may a simple Confessor release him from sins and penalties reserved by the same Bishop? He answers: 4 c. 6.q.5 with Hurtado and Diana, if a Confessor is chosen for supplementation, he can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium, being odious and strictly to be understood in regard to ordinary election but not extraordinary, if there were a prolonged impediment, could be resolved, provided that nevertheless the obligation to appear before the Superior remains, upon the cessation of the impediment. If however the impediment be perpetual, it may be absolutely absolved.

However, according to L Ayman. de 10, cum ..., Question NoneNinth. How can bishops, to whom this power has been conceded in the Roman curia Liceat, both for dispensing from irregularities and for absolving from reserved and hidden reserved cases, be permitted to delegate it to others? The first opinion, which Henry holds.

Menoch. et Cord. apud 1. 2. D. 40 n. 16, dicitur, non posse Episcopos hanc facultatem generaliter delegare, sed tantum specialiter in aliquo casu particulari qui occurrit. The second, however, more probable opinion, which D. 30 s. 2 n. 9. c. n. 17. 1. tr. 5. p. 2 c. 5 n. 2 and Croix l. 7 num. 135 uphold, teaches that bishops can generally commit this faculty both for dispensing and absolving, but specially for the latter. VII.

On censures ecclesiasticas et irregulares putato. That testifies; which is the best interpreter of laws. Otherwise, they probably say Saach in ibid., n. 25. 6 sess., 24 n. 45 v. I however; (and the same is clearly understood . c. D. 4; sess. 2 n. 8) if a Confessor be chosen as a supplement, it may well be confirmed through another triennium following the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary; nor only someone specially designated, but any presumptuous person to whom the Bishop generally commits his power may dispense irregularities and absolve from reserved suspensions through consultation.

Reason, quia Concilium facultatem circa haec non limitat, sicut limitat in secunda parte facultatem absolvendi a casibus: Unde, cum eam habent Episcopi de jure ordinario, generaliter possunt eam delegare, nulla facta speciali deputatione ad ipsa. But well he observed. D. 6 p. 8. § 2 n. 7. A bishop is not able to dispense in irregularities (or absolve from reserved suspensions) with aliens, even if they have a quasi-domicile in his Diocese according to Decl. relata 1-6 n. 503. 94 « Resp. 3.

Many Religious, especially Mendicants, can absolve from various censures according to their privileges, although in internal forum only. V. Diana page 9, topic 4. Reply.

63. Wherefore let them ask those privileges from their superiors; when it is proposed to hear confessions, and in regard to such matters let them follow the rules; see what Croix says, 1. » 7 note 126. As regards the faculty of regulars in matters reserved for distinction, a distinction must be made between the faculty which seculars have with regard to themselves and that which superiors have with regard to their subjects. 95 And I.

As regards seculars, formerly Regulars could absolve them from censures both from the Pontiff and from Bishops reserved ones, by means of various privileges which refer to this matter. Urban IV. Pauli III. Julius II.

Saint Paul's Fifth, etc. But (as they themselves testify...) VII. n. 1.) Clement

VIII on the day 26 Nov. of the year 1602 and Paul V on the 7th of Jan. 1607 limited such a faculty, and declared them not to be able to absolve seculars from reserved cases of the Pope according to the Bull Cœnæ; Nor from six other illustrious Capitulars I. Dub. V.

On Censures in general. 207 of them, namely the percussion of Clerics, Duels, Violation of Immunity, Violation of Monastic Cloister for an evil end, Real Simony, and Simony by way of accessory in Benefices (the Decretum Clementis comprehensively refers to this in proposition 12. . t. 1 p. 98; Not equally the cases which Ordinaries reserve for themselves.) Then the S. Congr. de mandato Urb. Eighth. November 17, 1627. thus decreed: By confirmations of privileges, which Regulars from the seat Apostolic post sacred as how neither indults for absolution in cases contained in the Bull, which according to custom has been read on the day of the Lord's Supper, being withdrawn through the year of the publication of that Bull, have acquired strength and power by subsequent confirmations of privileges. And therefore all Regulars of whatever Order, etc. Thereupon an addition was made: That for other cases and censures (excepting the cases of the Bull of the Lord's Supper), the faculty to absolve has been minimally withdrawn from the Apostolic See outside Italy; this having been decreed by that same Holy See through its Decrees issued at the command of Clement. VIII.

But he doubts whether Regulars can absolve from secular cases arising from Papal censures? The first opinion negates it with reference to 12 and number 14. Pauli V., quemadmodum fuit sanctificandum: Et insuper, ut nullis ex sacerdotibus praedictis (scilicet secularibus et regularibus) quibuscunque privilegiis, indultis, et facilitatibus suffulti ab excommunicationibus, vel casibus eisdem ordinariis, vel sedi apostolicae reservatis, praeterquam in articulo mortis, absolvere audeant vel præsumant. Nevertheless, the second opinion is more probable, which those hold according to what is found at chapter 18 among the canonists numbers 13 and 14 and following, Donat, Question 2.

Jesus (in qua omnes communicant Re-308 Lib. VII. Of Censures Ecclesiastical, and in the year 1545. In the said privilege, whose words are these: "Per la detta Potestà ibidem," is granted the faculty of absolving faithfuls from all... sins... and reserved to the Apostolic See except as provided in the Bull Caene etc. Also, they say that vows are excepted save those of chastity, religion, etc. They do not object to this; for the prohibition there made concerning absolution from Papal cases applies to the cases specified in the Decree.

Clementis VIII reservatos, si aliquis Confessarius eligatur pro supplemento,

bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accepienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento bene possit confirmari per aliud triennium post tempus supplementi quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accepienda est de electione ordinaria, non extraordinaria. Paulus V et inde Urbanus VIII confirmarunt et innovarunt, ut referunt 97: Si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinary. Nam tuentur ex verbis Privilegii Confessionibus auditis atque Paeniteniam salutarem injungendi satis constat facultatem pro solo foro interno esse concessam. Dubit. 2: an Religiosi possint absolvere sæculares à casibus ab Episcopis qibi specialiter reservatis? They affirmed concerning censure, chapter 2, note 40. Reason [or Explanation], quia qui potest majus (nempè absolvere à papalis), potest etiam minus, scilicet absolvere ab episcopis-co-palibus.

And they inclinéd towards this opinion, according to the proposition 12 n. 4, on account of privileges afterwards, and again granted to Regulars. They did not say that it ought to be an obstacle Decr. S. Congr. de mandato Clem. VIII. and Urb.

VIII. since such decrees do not have the force of law. Nevertheless, his objections notwithstanding, it must entirely be held that which is opposed, since the aforementioned Decrees have been confirmed by those Pontiffs for the entire Church according to their special mandate, and hence truly possess the force of law according to the common doctrine referred to in lib. 1 n. 106. Furthermore (as they rightly say, c. et vide cens). Questio 2. damnatam ab illa quæ dicebat: Men- dicantes possunt absolvere a casibus reservatis Episcopis, non obtenta ad id Episcoporum facultate.

This very proscription alone is sufficient for the revocation of privileges. Doubt. 3. Whether Regulars privileged can absolve from censures reserved to Bishops by right or by custom? There are two probable opinions. The first opinion denies this, and this is held by Cabassut.

T. J. 1. 1 c. 11. 8. Milante in prop. 12 damn. ab . et . prop. 12 n. 14, cum fuit Regularibus sublaia facultas absolvendi à cen- suris Ordinariis reservatis. However, the second more probable opinion affirms what the Council of Censors holds on page 447 number 17. Cross 1. 6 p. 2 n. 1628. Aversa, Lez.

Pelliz. What, however, the Censures are, see below among Busemb. 1. 7 n. 213. Receive however those which bishops reserve to themselves. Reason, because, although in the Decrees of Pope Paul V and Urban.

VIII. The rule prohibits them, lest they absolve from cases reserved to Ordinaries; but this is more rightly understood, as they say, c. et Avers. Let it be known. Leand., in his commentary on [work/author] 12, n. 13: concerning cases reserved to them by Ordinaries, since these Decrees (as we said above) are confirmatory Decrees.

Clem. VIII. where it says: Neither from cases, which. Ordinaries have reserved, or will reserve for themselves in the future. Noting correctly 29 sect. 3, if a Confessor is chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be interpreted strictly concerning an ordinary election, not extraordinary. For this reason, cases reserved à jure to Bishops themselves more properly could be said to have been delegated by them; yet nevertheless six expressly stated cases are excusable according to the decrees issued under the command of Clement.

VIII. ut supra. This is to be understood within Italy, as has been explained. City. VIII. (as stated above no. 95), namely outside Italy, or in the City, as it is said in the Decretals.

Clementis, possunt Regulares absolvere ab omnibus censuris, quae à jure sunt Episcopis reservatae, et intra Italiam Regulares pos- sunt absolvere à censura propter abortum foetus ani- 210 Lib. VI. Regarding the Censures of the Church and Italy commonly known as the Decretals. See 1. 3 n. 397 vers.

Alike. If, however, the Bishop himself has specially reserved this case to himself, then in no way are the Regulars permitted to absolve him, as we said at that place in conclusion, and in book 6 n. 55g vers. Certaine, circa finem 200. If a confessor is chosen for supplementation, it can be suitably confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessory beyond three years, as odious and strict it is understood in regard to ordinary elections rather than extraordinary ones. For this reason, if a confessor is chosen for supplementation, it can be suitably confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessor beyond three years, as odious and strict it is understood in

regard to ordinary elections rather than extraordinary ones. But according to Decree 10, and in VII with others, namely that Regulars can absolve presumptively from six cases Clement VIII permitted when they are secret, for the same reason as above, because the aforementioned cases, being secret, are reserved by bishops, not by the Pope; it is very minimally proven: namely that Regulars can absolve from cases reserved by bishops or delegated ones, insofar as these themselves are considered papal. Therefore, having removed the faculty of Regulars to absolve from Clementine cases: they do not have what they need to use this faculty, whether the cases be public or secret.

Concipi probabiliter autem 2 art. 2 n. 7., quia eo ipsa quo in tabella non reservat, censetur velle omnibus confessariis facultatem concedere absolvendi ab his ex regula. Not expressed is held for omitted. II. As regards the capacity which Regular Prelates have towards their subjects, generally doctors DD. hold that they themselves can absolve their subjects from all cases reserved by the Pope outside the Bull of the Banquet.

Thus it is; IV., num. VI., and I., c. (Quidquid: whatever may be said in opposition to this, Croix 1., 8 n. 141, with reference to the Privilege from Pius V. (if a Confessor be chosen as supplement, he can well be confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is, by reason of its odiousness and strictness, to be received only in reference to an ordinary election, not an extraordinary one.), which refers comprehensively to Concilium I., c. et . It strives to refute the Privilege of S. Pius, yet it authentically refers to that which asserts itself to have been confirmed with others by Benedictus XIII. in Const. 79. Precious, edited in the year 1727, which refers to the presumed assertion of P. Milante in proposition 3 Alexander. Seventh page, twenty-third line. Furthermore, it refers to having been granted by the same Pontiff the faculty of absolving from presumed sin (praesumptum) except in cases of the Coenae Bullae, namely Relapse into heresy, Forgery of Apostolic Letters, and Delation of prohibited matters to Infidels; but generally for the Order itself has been conceded the power that he himself may dispense with irregularity arising from homicide not detected and consummated outside the cloister, provided his subject Brothers are involved.

By the authority of prelates come the provincials, and their vicars in their absence, or others deputed by them, as they assert; thus says the Potestas 1. c. n. 3379. But after these things written I found that if any Confessor be chosen for supplement, it can well be confirmed by another triennium after the time of supplement, because the prohibition concerning the non-choice of a Confessor beyond a triennium is odious and strict in the case of

ordinary election but not of extraordinary one; for if any Confessor be chosen for supplement, it can well be confirmed by another triennium after the time of supplement, because the prohibition concerning the non-choice of a Confessor beyond a triennium is odious and strict in the case of ordinary election but not of extraordinary one. Clemens XII. in Bulla Romanus die 30 Maii 1742 revocaverit omnes Constitutiones et Privilegia (praesertim contenta in praefata Bulla Pretiosus) concessa à Ben. XIII. et omnia reduxerit ad pristinum status.

Moreover, this must be noted: if a Confessor is chosen as a supplement, he can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is odious and strict in the case of ordinary election, not extraordinary. This holds true, for even though it had been disputed whether the revocation by Tridentine Privilege granted to Regulars to absolve Heretics was intended only for Seculars and not for Religious subjects: the Holy See decided that it should be understood as applying to all; thus, as P. Ferraris writes in his Bibl. verb. To absolve, Article 1, Number 40. Regular prelates can presume to absolve Novices of their sins 103 of their Order from papal censures (excepting cases of the Bull) before their entry into Religion contracted. Therefore. n. 80, according to c. 212 Lib.

VII. Of Church Censures, and. C. edito de mandato Urbis. VIII. As above related; although the presumed contradiction to John de la Croix, as revoked by that Decree issued pursuant to the mandate of Urban has annulled the faculty granted per privilege of Clement VII regarding absolution in cases of Episcopal jurisdiction; yet those obtained through custom, such as having the power to absolve reserved by the Pope, cannot absolve a presumed sinner from what Ordinaries reserve for themselves, as it is testified there.

Others add in . proposition 12 . note 6. The Decree in question does not possess the force of law, because it was not solemnly promulgated throughout the Church with a special mandate from the same Pontiff, according to the opinion related in n. 106. Nevertheless, these reasons do not seem to be more probable after proposition 12 condemned as above referred, because it appears sufficiently declared that what is opposed thereto is so. 104: Doubt. 2. Whether prelates of regulars can absolve their own religious subjects from reserved cases according to the Bull Coenae, and whether they can presume to be released from heresy?

Regarding Seculars, it has already been condemned by . Proposito quartus, qui dicebat: Praletari Regulari possunt in foro conscientiae absolvere

quoscumque saeculares ab haeresi osculta, et ab examinacione: ob ipsam incursa. Regarding subjects, there are three opinions: The first universally affirms, according to . c. 2 n. 75, and this follows, and strongly defends: Potest: t. 1 p. 4 c. 5 n. 3375; with Villal: Donat., et alii, from various privileges, and laws, which ever corrects. The second opinion, held by ..:, cites from n. 76 and 77, together with Arag. et alii, stating that they cannot absolve from heresy, but can absolve from other cases according to the Bull. Reason for these matters; because although they petitioned the Bull.

Any privileges granted to Regulars by word of mouth shall be revoked, notwithstanding any capsular privileges. Dub. The feast will be revoked whatever privileges granted to Regulars by words, notwithstanding privileges Caps I. On censures in general. 213 gis, etc., granted to some individual or individuals of whichever Order; nevertheless, Saint Pius V extended a privilege for Regular Prelates.

Therefore, the bishops being granted this by Congruence, notwithstanding the said Bull, can use the power of that privilege to absolve their subjects in cases hidden by the Bull; thus, they presumptuously can 76, the crime of heresy, because ex Constit. Pauli V ut referunt, haeretici omnino remitti debent ad Inquisiteores. But this they explain in the Treatise on the Inquisition; and therefore they refer to that doctrine for other places. Suarii, qui dicit, prælatos posse absolvere subditos praesumptum in haeresim relapsos ex con- cessione.

Third opinion, which they maintain must be held: damned from . and Croix 106 1. 6. p. 1 n. 1622, citing . Urban VIII (as stated above) explicitly declared that through the annual publication of the Bull, the faculty of Regulars to absolve from cases in the Bull Coena had been revoked; this is because (as rightly argued, prop. 4 n. 3), if today neither presumptively nor by command can bishops absolve from cases according to the Bull after Prop. 3 condemned by . as we said above n. 83. Therefore, the Regular Prelates are all the less able to. But today the question is concluded, for as it is related by P. Milante in said proposition 3 volume 1 page 23 and by P. Conc. volume 10 pages 449 n. 21 and 22.) Bened.

XIII. In the Bull Pretiosus (of whose words we have reported in n. 101), most recently he has granted to Superiors of the Order. Saint Dominic, and through the communication with the Superiors of other Orders, so that they might be able to absolve their own subjects, namely Brothers and Monastic sisters subject to them according to the censures presumed in the Bull Coena, excepting some specified therein. Dubium 3. an prælati Regulari possint absolvere suos subditos à censura ob percussionem

alterius bellicosi aut clerici sæcularis? We said “their subordinates,” for concerning seculars, nothing can be done by regulars, since the faculty of absolving seculars has been explicitly taken away from them by the Clementine.

VIII. and Paulus V. outside Rome, and within Italy; see said number g5. In cap. Cum illorum, 32 §. Qui, de sententia excommunicationis. It is affirmed that if a Religious has struck another of his own Order, except where an excess (as it is said there) has been difficult and enormous, such as to proceed to mutilation of a limb, or to the effusion of blood, or where violent hands have been injected against a Bishop or Abbot. If however he has struck a Religious of another Monastery, it is said there; if some Confessor is elected for supplementation, well can this be confirmed by another three years after the time of supplementation, because the prohibition against electing a Confessor beyond three years, as odious and strict it is to be understood concerning ordinary election, not extraordinary, that, if some Confessor is elected for supplementation, well can this be confirmed by another three years after the time of supplementation, because the prohibition against electing a Confessor beyond three years, as odious and strict it is to be understood concerning ordinary election, not extraordinary. Let him be absolved by the Abbot proper, and by him who has suffered injury.

If however he shall have struck a Secular Cleric, it is said that he can merit forgiveness only through the grace of Apostolic seat absolution. Likewise, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. dicitur de Religioso; communiter dicunt . 3 p. 23 § 4 ex n. 10. . 5 p. 2 c. 5 circa finem, et alii passim de Novitio percussore, etiamsi ipse crimen commiserit ante ingressum, quia in favorabilibus Novitii habentur ut Religiosi. They nevertheless add: c. in fin., et c. cum Mol. et in 6, even if he had been absolved by the Prelate, because that absolution was granted on account of a temporal impediment, lest he wander about. Here however to be noted is this: if a Confessor is elected for a supplement, he can properly be confirmed through another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond three years is so odious and strict when it comes to ordinary election but not extraordinary. This rule applies similarly when a Religious has been slightly injured by a Secular Cleric, as they commonly

say in the codes with others from Religious Canon Law, on Excommunication Canon 6, Notandum 2 along with the same authorities and note 10 at the end. The said authorities also state that this is valid even if a Religious strikes someone of another Order or a Secular Cleric.

Croix addit quoque cum Kramer: etiam si percussio fuerit publica; ac possit Abbas absolvi per. Confessarium a seipso electum. Notandum est 3si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Licet Regularis possint absolvi à suis Prælatis ob hujusmodi Privilegia, tamen valeant praesumptum se subjicere Episcopis, ut ab eis absolvantur: intellige si percussio fuerit levis, vel enor- mis occulta. And in that case, those who are Prelates of some Order can per se demand such absolution from Bishops: but the rest of the Religious, unless this unjustly is denied, according to 2 cap. 12 n. 10, and Henr.

To whom among the censured recipients can the Bull Cruciatae grant absolution? See 8. Rule: First, he who has the power to absolve from reserved censures of the Bishop cannot absolve from those which are reserved to the Pope. "Second." Whoever has the power to absolve from reserved cases of the Pope, is not considered capable of absolving from reserved cases of the Bull of the Cenacle, provided that a confessor be chosen for the supplement, and it can well be confirmed by another triennium after the time of the supplement; because the prohibition against choosing a confessor beyond a triennium is to be understood as odious, strict, and binding in regular election, not in extraordinary one. This is considered more serious and therefore not comprehended within a general dispensation.

Res. 14. Ita c. 2 n. 41. However, whenever the faculty to absolve from censures is granted by the Pope, even from papal reservations are understood, otherwise nothing would be granted, because anyone approved can absolve from non-reserved matters, as stated in 1. c. cum 7 n. 132 and 149, with Avili. Facultas autem concessa ab Episcopo de absolvendo ad casus reservatos non intelligitur data pro peccatis, quibus annexa est censura reservata; Tamb, §16 Lib.

VII. Of Penalties Ecclesiastical and Irregular — concerning whether such a concession from the Pope has been made; Croix 1:7 n. 134. Reason, because all papal cases are primarily reserved with regard to censure and on account of censure; see 1. 6 n. 58o. Third.

Whoever has the power of absolution from cen- suras according to the Bull of Cene, has a presumption against all papal legates and episcopal ones by law allowed, even though some may not be released from excommunication contracted through heresy, about which others more plausibly affirm, especially for whom otherwise the concession would in great part be useless. The conceded power of absolution in papal cases is not understood to extend to the cases of the Cene Bull; for generally what is conceded is not included if the superior would not have granted it specifically upon being specially requested, as they say in 12: Croix 1. 7 n. 132. 41, on the day 23rd of March 1656, and most recently thus declared by Benedict. XIV. In the Bull issued for the Convocation of Jubilee of the year 1750, no. 53. Whoever nevertheless granted in that same Jubilee the faculty of absolving from hidden heresy, provided that the Penitent did not have a complicit, has done so. 14 "Quarto.

The Regulars can, through their privileges, if they have not other censures reserved by the Pope, presume to absolve in duelists who are contending. The same is said of similar cases after the Constitution of Clement VIII: before that they could concur; except in Italy outside the Apostolic See; and this is by the declaration of Clement himself at the Consistory 1.6 mo. Reg. 1, d. 83, c. 5, t. 3, p. 3, c. 5, 15 Resp. 4. A broad presumption is commonly granted to the power of the censor to absolve in jubilees: in which it is diligently to be considered what, how much, and in what manner it is conceded.

Si autem detur potestas absolvendi a casibus reservatis Papæ, praesumptum conceditur potestas absolvi a cen-surarum Paparum reservatis: quia ille non solet reservare casus nisi ratione censuræ adjunctae. (Cæterùm universè loquendo, qui absolvere potest à peccato reservato, potest etiam à censura annexa, cum nequeat absolvi à peccato nisi priùs a censura absolvatur, Cand. etc.) Porrò absolutio data confitenti bona fide in Jubilæo, cum intentione lucrandi illud, etsi postea vel suà negligentia, vel propter aliud impedimentum non lucretur, est valida et tollit censuram; sic si ab initio indulgentias lucrari noluerit, eo casu probabiliùs est absolutionem non valere et tamen peccata reservata quomodo censuram de novo debeo tolli aeo qui potest extra Jubileum. * (Vide dicta de Pœnit. l. 6 n. 536 ad num. XIII. and XXVI.) * DUBIUM VI. How is absolution to be given by censure? 116 How is one to be absolved from censures in external forum? And how in internal forum? 117 Can one be absolved absent? 118 Concerning him who was absolved in Jubilee. 119 About absolution extorted by fear. 120 Does valid absolution exist if the party has not satisfied? 121 What if this condition is conceded for giving power? 122 After satisfaction, can censure be removed by itself?

123 Is such absolution valid and licit under condition? 124 Can absolution be given to a relapsing person? 125 Does new fault require the need of relapse? 126 Can one be absolved from censure outside of Confession? 127 For absolution from censures, Confession is required. Satisfaction of part. In which cases can the defendant be absolved before satisfaction? Requirement II: that the defendant make a vow not to commit further crime if it is grievously enormous. Requirement III: that the censured person petition for absolution. Many things are notable.

What if the defendant is still contumacious, either unwillingly, or forgetfully, and does not petition? If the defendant shall falsely present himself, will the absolution avail? Answer. This must be established as inherent to both the nature of censure and the nature of any absolution. From which around the manner of absolution you resolve. • 1. The nature of the matter does not require certain words, but sufficient are those signs by which apostolically is made known the intention to absolve from censure. (To absolve from a censure sufficient are any external signs, but it is not sufficient merely the will of the judge.) Section 6, number 2, 5 and 6. Page 1, section 11, note 1 et. However in the external forum it is commonly to be communicated the form of each bishopric.

In the forum of conscience this is roughly in use. I absolve thee, for instance, from the bond of excommunication, suspension, etc., which thou hast incurred through NN. (such a cause), and if thou art excommunicated, I restore thee to the Sacraments of the Church and to the communion of the faithful; (but if thou best suspended), I exempt thee from the execution of thy orders or offices. In the name of the Father, etc. In public and solemn absolution a Psalm Miserere is usually prefaced; and for each verse the penitent's shoulders are lightly laid bare and gently struck (unless such ceremony appears to be omitted on just cause, especially in women); then having been absolved by added prayers, he is introduced into the Church. A similar manner is nearly preserved also in the absolution of the dead, unless a Confessor be chosen as supplement, who might well be sufficiently confirmed through another triennium after the time of supplementation; because the prohibition of not choosing a Confessor beyond a triennium, being odious and strict, should be received regarding the ordinary election, not the extraordinary. For if a Confessor be chosen as supplement, he might well be sufficiently confirmed by another triennium after the time of supplementation; because the prohibition of not choosing a Confessor beyond a triennium is to be received as odious and strict in regard to an ordinary election, not an extraordinary one. The sepulchrum virgà percutiatur. Roman Ritual. • 2.

He who absolves from a censure has the power to do so even if absent; (It

is certain that if a Confessor be chosen for supplementation, he can be confirmed properly through another three years after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, being odious and strict, should be understood in reference to ordinary election, not extraordinary one. That which pertains to this, if a Confessor be chosen for supplementation, can be confirmed properly through another three years after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, being odious and strict, should be understood in reference to ordinary election, not extraordinary one.) absently congruent power may be bound by censure, thus he can absolve. From c. De manifest. 2. q. 1 c. Quantum 2 q. n. 5. However, it is not licit to absolve someone absent without urgent cause; 2 c. 11 n. 14. 16, cum quæ mandans implere deberet, quæ si præsens esset oporteret impetrare per procuratorem; etsi hoc communiter non liceat, ne censura contemnatur; Ratio, quia congruent poena in Cap. I. Dnb. VI.

On censure in general. • one who is absent and unwilling can be sentenced thus, and likewise removed. *(See below note 131.*) 3. He who is bound by many censures can be adjudged and removed. » absolve from one [penalty], leaving the others; because there is no necessary connection among them. «

Wherefore if it be said that he absolves thee from "every bond," etc., this holds good for all: hence if one who is thus absolved in the Year of Jubilee were to have omitted some mortal sin under an invincible neglect with a censured crime annexed, namely excommunication, then that person might subsequently by anyone approved be absolved from that sin through whomsoever he chooses, since it is no longer reserved; and if thereafter a Confessor be chosen for the supplement, it can readily be confirmed during another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period, as odious and strict, is to be understood regarding ordinary rather than extraordinary election. Therefore, the censure on which solely it was reserved has been removed. (See said n. 131 at the end.) * » 4. Absolution by violence, or through fear unjustly impressed. It does not hold if obtained by coercion; rather, one incurring terror incurs a new excommunication. (Ex c. uuc.) Concerning these two, « by violence, etc., » in six.

However, if the fear was not justly instilled, namely when the forgiveness is exterior and the judge who did not wish to forgive has ceased from contumacy. Roncaglia concerning chapter 6, question 6, and Continuation. Tourney tom. 2 » p. 459.) * » 5. Absolution given by a Superior, even if

not granted with satisfaction, is nonetheless valid, indeed, if it be presumed to have been given by the delegate without a condition of satisfaction: but if such satisfaction be impossible, then it suffices to provide security or an oath concerning satisfaction when one will be able to do so.

Questio: Whether absolution from censure given by a delegate, not having satisfied for the part, is invalid if to him the faculty was granted of absolving with the condition that satisfaction be made for the part? They probably deny it. L. 3 D. 33 n. 6. 1 p. 51 § 3 n. 6. And unless satisfaction is expressly expressed in the concession, there will be no absolution, where such condition is not fulfilled: otherwise, since that condition is of law, it is understood as appended to admonish the delegate, not to limit the faculty. But they more probably affirm. Sporer suppl. p. 279 n. 214 item Vasq.

Conin. Sayer. according to Pal., loc. cit., and others cited loc. 6 nu, 537 v. Q. 2 2 0 Lib. VII. On Censures Ecclesiastical, and Irregularities.

VIII. according to the more common opinion, as he himself admits: namely, that the aforementioned clause probingly imports the true condition, as in a similar statement it is said there 1.6 n. 1115 near the end. So much the more if a Confessor be chosen as an addition, it can be well confirmed by another three years after the time of the addition, because the prohibition concerning not choosing a Confessor beyond a three-year period, insofar as it is odious and strict to be understood regarding ordinary election, but not extraordinary, since the Pontiffs intend only to warn about some obligation, express their warning through words, we exhort, we command, and similar; whereas, when they use the absolute ablative, they intend to express something else. However, this notwithstanding, I do not think it improbable (as I said) that the first opinion holds at least by authority of the DD., who having satisfied this part here, do not interpret it as a condition; whereas all agree in holding gravely to sin the Confessor who would absolve from censure having failed to satisfy this part. See however the aforementioned at cited note number 537 v.

Eighth. Two Two Two It is certain, however, that if a Confessor be chosen for supplementation, he can be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium being odious and strict, should be understood in reference to ordinary election rather than extraordinary. Hence, if a Confessor be chosen for supplementation, he can be sufficiently confirmed by another triennium after the time of

supplementation, because the prohibition against choosing a Confessor beyond a triennium being odious and strict is to be understood regarding ordinary election, not extraordinary. Whereupon, presumptuous amendment or satisfaction having been made at the instance of which censure was issued, this shall not be revoked without absolution; for although, with cessation of conjunction, the censure should immediately be remitted according to c. Cum consideres, De patet ex Prop. 44, condemned by Alex VII. Regarding the forum of conscience, when the guilt is corrected and its conjunction ceases, the censure also ceases. 6. It can be given. Absolution under a conditional future contingency, since it is an act of external jurisdiction which can itself be conditioned.

However commonly it is said: "It is not expedient to absolve in such a manner; for if the accused deserves absolution, there should not be attached any condition; and if he does not deserve it, he should not be absolved at all." Therefore such an absolution is illicit of itself, although it could possibly be grounded in some cause, as q. 2 with c. 2 n. 11 and 12. If anyone excommunicates thee thus: Excommunico te, donec solvas: Or if anyone absolves thee conditionally: Absolvo te, si intrà mensem solvas: Upon the fulfillment of the condition, the censure is removed, as is said in the same place n. 13.) * 124 7. Even a second absolution can be given in case of relapse, that is to say, for a certain act and at a certain time when having committed it, one relapses: likewise under a certain burden which, not being fulfilled, causes the censure to revive, Chapter I. Doubt.

VI. Regarding censure in general. Questio est: autem, utrum, cum remissâ censurâ et cum reincidentia (v.g., si intràs mensem non satisficeris) requiratur nova culpa ad reincidendum? The first opinion denies this, because then the same original censure remains, which was not removed except under such a condition.

Thus in section 7, article 8, note 27, likewise Hurter Fill. etc. ap. Nevertheless, the second opinion is more probable, which are held by D. 1 p. 11 § 2 n. 10 and Cont.: n. 6, with Avili. etc., teaching that a new guilt is required. Reason, because at first the censure cannot be called suspended, since a suspension of the censure cannot be effected except by the authority of the Pontiff, as they say in c. n. 6. Therefore it was abolished, and hence it cannot reappear without a new guilt.

And likewise it is to be said: they add, if the Pontiff absolves from the censure for every effect, even for reoffense; because, unless something else expresses it, he is deemed to have absolved ordinarily. Nevertheless, if he absolves from censure to some extent: only the effect; so that the one censured is not rendered capable of obtaining a Benefice, etc., remaining

censurable as regards others in effect. « 8. It is more probable that he who has the power 126 » of absolving in the forum of conscience from censure can do this presumptuously outside of confession, as against 1. 8 de Matr. d. 16. Con.

» c. 2, n. 44, when concurring. » Ugol. See however 1. 6 n. 593, v. The same author, where I said "we," stated that a Bishop cannot remit sins.

The Pope - with eyes outside the Sacrament of Penance places penances from Declar. But for the completion of this point, here careful attention is required to be paid to the solemnities demanded by right, so that absolution may be properly bestowed. Require. I.

That the culprit first make satisfaction to the party against whom the harm was committed: this was a crime; because if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, since the prohibition concerning not choosing a Confessor beyond three years is, like the prohibition on ordinary election, odious and strict in interpretation, not extra-ordinary. The censure was broad, namely theft, assault, etc. For although absolution given without satisfaction to the party is valid, it remains a serious sin: the absolver is bound to restore that damage because he was obliged ex officio to advise concerning it. Thus commonly it is said that Sufficit tamen, if the creditor be in a distant place, when the debtor lays down money in a safe place, so that he may be absolved; for thus can the debtor be absolved even in seven cases where the debt has not been satisfied to the creditor. I. Ut reus priùs satisfaciat parti., in oujus damnum commissum: fuit crimen, ob si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. When a party remits the injury; for satisfaction of the injured party is sufficient, provided that it satisfy the Church, as they hold. 20.

See 1:6 n. 536, ad n. XVI. Hereby, if after being struck by a cleric, the injury is remitted either expressly or tacitly, by familiarly dealing with the striker, he might be absolved according to Avila. . apud . II. When one part injured rejects the offered just satisfaction, because then it already suffices by itself: . ibid.

III. When the guilty party is incapacitated from making satisfaction, then the Judge can absolve him, or is bound to do so, and it is lawful to compel him, as it is said in c. 2 n. 21, ex c. Qua fronte. Of appeal, because, with

the cessation of contumacy, the accused must be absolved. The defendant, however, who is neither to be released nor entirely, nor in part, must provide security if he can; otherwise, at least an oath to pay when able, according to c. Odoardus de signif.

But see what is said on page 1, section 6, note 537, verse. If however. This however runs as follows: if the defendant is certainly a debtor; for if he has a probable opinion in his favor, or if it be doubtful, since the condition of the possessor being better is more advantageous, he cannot be obliged, except by the supreme oath to deliver, if the obligation shall have been determined. If a confessor is chosen as a supplement, it can be well confirmed by another three-year period after the time of the supplement, because the prohibition against choosing a confessor beyond a three-year period, insofar as it is odious and strictly to be accepted for ordinary election rather than extraordinary, applies. Thus, if a debtor cannot immediately solve [this], except with great damage or inconvenience, he can be presumed absolved upon providing security; unless the same inconvenience would arise from delay. As in n. 21.

Concerning this, see what has been said in 1. 3 from note 701. 129 Requir. II. That the accused, before absolution from the censure, shall make a vow not to commit such a crime any longer, is gathered from c. De ctero, and from c. Ex tenore. From the Decisions, excepted.

This oath is however demanded only from those who incur excommunication due to immense crimes, such as scandalous violators of the Church, severely beating clerics, arsonists, public usurers, notorious beaters of bishops or cardinals, etc.; whereas if excommunication has been incurred for other less grave sins, this applies both in the internal and external forum. Thus comm. 1 p. 11 § 3 n. 4 et etc. Requir. III. ex c. Per tuas, de ibi: Nisi gratiam absolutionis imploret, non debet audiri, ne sententiam Ecclesiastice contemnere videatur. Because the text says that it ought not to be done, and not that it is unable to be done, therefore it teaches well, S. D. 1 p. 11 § 3 n. 9 et c., condemned; provided that it be amended from sin, a presumptuously contrite person validly capable of being absolved.

This however must be noted: I. if a Confessor is chosen for supplementation, it can indeed be well confirmed through another three-year period after the time of supplementation, since the prohibition against choosing a Confessor beyond a three-year period, inasmuch as it is odious and strict, should be understood concerning ordinary election rather than extraordinary one; which, if a Confessor is chosen for supplementation, can be well confirmed by another three-year period

following the time of supplementation, because the prohibition on not choosing a Confessor beyond a three-year term, insofar as it is odious and strict, is to be understood regarding ordinary election, not extraordinary; but if the retraction does not exist and there is a subsequent dealt-with offense such as heresy or theft, he cannot be absolved unless by one bearing a censure; otherwise, however, if the offense has not had a subsequent dealt-with offense, like perjury or blasphemy, according to no. 28. Notandum II. cum c. 2 n. 3o et ibi . si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria., quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. si privilegium sit factum Penitentibus, prout in Jubiliæo, ubi datur eis facultas eligendi sibi Confessarium à quo absolvantur, tunc nequeat absolvi invitus, quia usua privilegii pendet à voluntate privilegiati; ità cc. item c. 2 n. 3o cum . c. Secùs, si privilegium sit in favorem Confessariorum, ut sunt privilegia Regularium, prout rectè no- tant . cum Ant., si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria., quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. aliquis pluribus censuris innodatus posset ab- solvi ab una, et non ab aliis; quare, si censuratus VII. If one seeks absolution from a single censure of the Church and hides others maliciously, he will be deemed absolutely absolved only from that one, unless a Superior expresses otherwise, according to cap. "Cum pro causa" c. Officii, de Sententia excomm.

If, however, you have concealed otherwise without deceit, you are judged to be absolved by all, unless it be established that he intended something else in absolving. Therefore, when hidden with intent. Gibal. And this absolution is also valid for the external forum, if the one absolving has jurisdiction in the controversy; but if he has jurisdiction only in the forum of conscience, or in the Sacrament of Penance alone, then the guilty party who has omitted to confess inculpably a sin to which a reserved censure was appended can only be absolved for the forum of conscience by anyone afterward, as Gibal says, etc. The same they say there, ibidem.

Avili. They nevertheless accept as stated by Bonac., namely probatively: but we have said with greater probability that if it is a privilege granted to the Penitentiary itself, as in Jub- laeus, etc.; see d. n. 597. But if the absolution be valid when given for a false cause, namely, if the Judge absolve because the accused says he has already amended himself; or if someone is chosen as Confessor to satisfy a part [of the condition], then it can well be confirmed by another three years after the time of supplement, since the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood for ordinary election, not for extraordinary. But is this true? They are negatively responded to, if the principal cause is lacking; subsequently, if a less principal cause is lacking, or if the Judge is certainly conscious of falsity, as also Bonac. and Sayr.

Avili. Henry commonly. HEAD II. CONCERNING EXCOMMUNICATION.

DOUBT I. What is it, and what are the fourfold aspects? What is excommunication? By what name might that come to be more or less significant? And who are those to be avoided? 134 Resolutions. 135 What is required so that someone is Primarily, from the part of the Confessional, if he did not have jurisdiction, or certainly hindered by censure (Always and by itself should he be avoided, provided he has been tolerated)? See the Constitution of the Council. Constantiensis. 136 De i conditione, ut sit nominatim excommunicatus. 137 De 2 conditione, ut sit publicè denunciatus. 138 An licet toleratis cum aliis communicare? 139 An peccet inducens excommunicatum toleratum ad commanicandum in Divinis, sine necessitate? 140 Idem de suspenso et interdicto vitando? 141 Quando percussor clericus sit primò, ex parte confessarii, si jurisdictionem non habuit, vel certè impeditam per censuram (semper ac per ipsam sit vitandus, secùs si sit toleratus.? Resp.

Excommunication is a censure by which one is deprived of ecclesiastical communion. It is twofold: the lesser, which merely privates from the passive use, or reception of the Sacraments; and the greater, which is called an Anathema presumptively, and in law is generally understood by the name of excommunication. *(Habetur in c. 5.* If a Confessor be chosen for a supplement, well may he be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is so odious, strict, and to be received as it is concerning an ordinary election, not an extraordinary one. Therefore, the major excommunication rather than the minor is understood by the name of Excommunication, and thus say the Fathers according to Croix l. 7 n. 177. By Anathema is understood Excommunication major, widely pronounced with greater solemnity); it excludes all Ecclesiastical

communion according to the saying. * (It is not said simply to exclude all communion: for the same applies to excommunication simpliciter.) a26 Lib.

VII. On the Censures of the Church and Irregularities. The communication with faithful members, as being parts of one body, communicates in many spiritual goods; but ecclesiastical addition is added; that is to say, for those goods whose distribution pertains to the Church. See; tolerated, which faithful persons are not bound to avoid: not tolerated, which they are bound to avoid.

And indeed after the Concilium. Constantinopolitan, those that are not tolerated have been forbidden to be avoided only to this extent. 1. Notorious striker of clerics. Of whom see below. 2. Any one named specifically and specially denounced, and publicly excommunicated. ## Hence it is resolved.

» Chapter I. In Germania Catholici securè communicant cum iis, qui notorie sunt haeresiaci, et consequenter excommunicati ac publicè denunciati. » 2. Non tenes vitare eum, quem scis peccasse contra legem, per quam illi, praesumptum in particulari, sub poena excommunicationis aliquid est vetitum, vel praeceptum, quia requiritur ut per sententiam expressam et specialem contra personam in particulari post peccatum commissum censura sit publicata; v.g., ut Joannea sit denunciatus, excommunichatus vel saltem ita exprimatur persona ut non liceat de ea dubiare; v.g., excommunicatus talis loci Decanum, Praetorem. * (Nota htc si aliquis Confessarius eligatur pro supplemento bene possit confirmari per aliud triennium post tempus supplementi quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinaria. agere rem sub excommunicatione majori vetetam non excusetur à culpa gravi; Th et comm.

Note further, if a Confessor be chosen for supplementation, it can be well confirmed by another triennium after the time of supplement, because the prohibition concerning non-choosing a Confessor beyond a triennium is to be understood odiously and strictly in the case of ordinary election, not of extraordinary. For if a sin is prohibited under a censure from the same motive, for example, if murder is forbidden and one commits but one act of murder; or else, if it is forbidden from a different motive, as when clerics are forbidden to commit murder out of reverence for the status. It is common with Avili. and ») * » 3. It is licit to say: We excommunicate Peter, v. » g. those of incendiarum, and their complices, Petrus alone is to be condemned, not however others, even if they are notorious: because Cap. II.

Doubtful. I. On Excommunication. - The sentence as regards them is merely general, and not special against a particular person. - 4. You are not bound to avoid him who has been privately denounced in conclave, because this was not done publicly; for this requires that the sentence be read, or affixed somewhere in a celebrated place, such as in the temple during preaching time, or otherwise according to the custom of the region.

Here it must be noted that formerly all excommunicated persons were considered vitandos; after however the Constitution of the Council of Constantinople, which begins with "Ad evitanda," (whose example no longer exists but is found among Sts. Andrew and Stephen), beyond if any Confessor is chosen as a supplement, it can be well confirmed by another three years following the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strict, must be held for an ordinary election and not for an extraordinary one. If however any Confessor is chosen as a supplement, it can be well confirmed by another three years following the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strict, must be held for an ordinary election and not for an extraordinary one. This was sufficiently confirmed by Martin V. in the Extrav. To avoid those to be avoided solely by name excommunication and public punishment of clerics is issued; the words of the Constitution are as follows: Ad evitanda scandala... If a confessory is chosen for supplement, it may well be confirmed through another triennium after the time of supplement, because the prohibition on not choosing a confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary; if a confessory is chosen for supplement, it can be properly confirmed by another triennium after the time of supplement, because the prohibition on not choosing a confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. No one thereafter shall be held to avoid anyone from communion or participation in sacraments administration and reception, or any other Divine offices outside of the pretext of any sentence or censure promulgated by law or man generally... unless such a sentence or censure was issued against person, college etc., or an uncertain place designated by the judge publicly announced or specially denoted explicitly... Provided that if anyone is found to have incurred a sentence for sacrilege in the hand of a cleric, or a confessory chosen for supplement can be confirmed through another triennium after the time of supplement, because the prohibition on not choosing a confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary; if a confessory is chosen for

supplement, it can be properly confirmed by another triennium after the time of supplement, because the prohibition on not choosing a confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. The fact that this cannot be concealed through any evasion nor excused by any intercession: we wish to abstain from communion with him although he may have been denounced, according to the canonical sanctions. But hereby such excommunicated, suspended, and interdicted, or prohibited, we intend in no way to relieve, nor to afford them any kind of suffrage. Therefore, they are to be vitiated only by nomination excommunicated and denounced, and subsequently notorious persecutors of clerics.

Let us discuss each one individually. And as regards the first, that someone be excommunicated primarily, from the part of the Confessor, if he did not have jurisdiction, or certainly hindered by censure (he must always and according to itself be avoided), unless he is tolerated, it requires according to the praised Decretum, 128 Lib. VII. On Interdicts and Irregularities of the Church.

I. That he may be nominatively excommunicated, by an express name through words or certain signs, for example. Ex communi Praetorem Samantinum, et ita ut non possit cum alio Praetore aequivocari: ut notant Sotus, Avili. Et ex quo infertur, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Non teneamur vitare haereticos, etiamsi notorium sit hos esse a jure excommunicatos, nisi sint insuper nominatim excom- municati, et denunciati. Neither hinders i.

Decretum posterius Concilii Basiliensis, quo sancitum fuit esse vitandos omnes notoriamente excommunicatos. For it is answered i, if a Confessor be chosen for supplementation, he may well be confirmed by another triennium after the time of supplementation, since the prohibition against choosing a Confessor beyond a triennium, as odious and strict in respect to ordinary election, not extraordinary, is received. For, if a Confessor be chosen for supplementation, he may well be confirmed by another triennium after the time of supplementation, since the prohibition against choosing a Confessor beyond a triennium, as odious and strict in respect to ordinary election, not extraordinary, is received. Decrees of said Council published after the Schism (for before this Decree was published) by Eug. IV. have been recalled; see said 1. i n. 133.

Resp. 2 si aliquis Confessarius eligatur pro supplemento, bene possit

confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. tale Decretum, quamvis legitimum fuisset, contraria tamen consuetudine Ecclesiae fuerit abrogatum; et Decretum Concilii Constantiensis communiter fuerit receptum. Ita communiter DD. View Psalm, no. 13. It does not hinder to say: If a Confessor is chosen for supplementation, it can well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. At least we are bound by divine law to avoid publicly excommunicated persons, especially heretics, from that to Title 3, verse 10.

Hominem haereticum post primam et secundam correctionem devita. And from the Epistle 2. Joan. v. 10. Do not let him enter your house, nor greet him with a salutation.

Hoc enim respondetur intelligi praeceptum, quando esset periculum; si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. Si ex eo inficeremur, vel si scandalum ad esset, aut si spes esset; si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Delinquens ex vitatione resipisceret; . 23. Require. II. ut reus publice excommuniicans publice praesumptionem denunciaretur. Circà si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.

And thereafter it should publicly be declared or denounced as excommunicated by right (unless the crime is notorious). It is sufficient, however, that he who is excommunicated according to law be denounced or declared as such, so that now, on the part of the Confessary, if he had no jurisdiction, or certainly impeded by censure (Semper ac per ipsam sit vitandus, securis si sit toleratus); . n. 15. Not truly sufficient is it if the culprit be merely declared sentenced; if however a Confessor be chosen for supplementation, he can well be confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond a triennium, as odious and strict in regard to ordinary

election, not extraordinary, has been imposed that, if someone be chosen as Confessor for supplementation, he can well be confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond a triennium, as odious and strict in regard to ordinary election, not extraordinary, having been issued, there accrues a crime with attached excommunication, whereby otherwise they hold sufficient. c. 3 n. 17. For it is more properly required that the excommunicated person be expressly declared as such, as taught in 2 c. 9 n. 4 d. n. 17, with Bon. 7 n. 183.

Reason, because in the Decree of Martin V it is stated that no one should be avoided as an avoidable person unless such censure or sentence has been publicly promulgated by the judge, or specially denunciated with express declaration. From these words Gibal with an appended crime, unless in special form the excommunicated person is denounced. III. Si quis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Licet vitare non tenemur excommunicatum non denunciatum; possimus tamen vitare praesumptum publicè, eum qui publicè est notus ut excommunicatus, uti rectè dicunt 7 n. 184 Notand. IV. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria., quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria., etsi permissum sit aliis communicare cum excommunicato tolerato, attamen, prout patet ex verbis Coneilii ut suprà, cuicumque praesumptum clam excommunicato interdictum sit cum aliis communicare tam in divinis quam in humanis.

Here arises a doubt, whether it is licit for faithful persons to communicate with him in Divine services and without necessity? During divine communion; for it is certain that communion in human affairs is always permitted. I also said without necessity, because in cases of necessity, or of special utility, for example, if another suitable person cannot be found, anyone may receive the Sacraments from an excommunicated individual, provided it is permissible. VII.

Regarding ecclesiastical censures and irregularities; thus 11th section, 1st paragraph, note 15, page 2, note 3, and Question, therefore, whether it is permissible to communicate in the Divine offices with a tolerated

excommunicate without necessity or utility? They deny it, the Pontiff in I, 5 c. 18 § 9. 4 sect. 4 n. 10, and Avila, c. 3 n. 24, because although the one who communicates does not act against the precept of the censure, yet he acts against charity by inducing the excommunicated person to an illicit act; unless (they except) that he be ready for administering the Sacraments, or unless it be held incumbent upon him to do so according to his office, namely if he were the Parochus, because then another uses his right. However, they universally hold more probablistically . 1. 7 D. 9 n. 8. . 2 p. 5 n. 5. c. 3 n. 25, when Soto and Hurtado concur, that communication in Divines is licit with a tolerated excommunicate without necessity or utility. He ministers the Sacraments, and then he himself does not sin; for if he were to sin himself, the concession made by faith from the Council would be rendered useless, since at least indirectly, on account of charity, they would be approved through communication.

Wherefore, since communication with an excommunicated person is universally conceded to the faithful, indirectly an indulgence has been granted to presumed excommunicates who petition the faithful for communion. This nevertheless runs thus: if the Sacraments are sought from an excommunicated person, because, if they are sought from a Minister existing in mortal sin, there certainly requires a just cause for legitimate seeking, according to debt 1. 6 n. 88 v. R. III. Notand.

V. If a penitentiary confessor is chosen as a supplement, he can be sufficiently confirmed by another three years after the term of the supplement, because the prohibition against choosing a confessor beyond a triennium, insofar as it is odious and strict, must be understood with reference to ordinary elections rather than extraordinary ones. This being said, what has been stated about the excommunicated applies equally to those suspended or under interdict, in matters where the suspension or interdict prevents them from receiving communion; so that until they are publicly denounced, we may freely communicate with them, since the Council speaks universally of any kind of censure; canon 3 n. 21, as stated by Sayr. Avila de irregulari qui si non sit denuntiatus non est Primò ex parte Confessarii, si jurisdictionem non habuit vel certè impeditam per censuram (Semper ac per ipsam sit vitandus, secùs si sit toleratus; hino ait licita posse fideles à Parocho irregulari, praesumptum ob publicum homicidium sed non denunciato petere Missam et Sacramenta cum Concilium loquatur tàm de impeditis per censuram quàm per quamcumque sententiam per verba to Quyuscumque sententia vel Censura. As regards the percussores of clerics, they are to be considered as such only if they are notorious. But here is inquired whether there is required notoriety of the law, or notoriety of the deed?

It is said to be notorious as regards clerical correctors, that if a confessor be chosen for the supplement, he can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, inasmuch as it is odious and strict, should be understood with reference to ordinary election rather than extraordinary; this is known either through the sentence of a judge, or through confession of the matter in judgment, or through sufficient judicial disposition by witnesses. Notoriandum autem facti dicitur, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. notum est majori parte Collegii, Monasterii, viciniae, vel magno numero personarum, sive si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. creditur mox venturum ad earum notitiam; nam ut bene notant; verùm non sufficit contra, ut sciant 14 testes, ut dicunt. cit. It is permitted according to 7 n. 182, that if a Confessor be chosen for supplementation, he can be properly confirmed through another triennium after the time of the supplement; because the prohibition against not choosing a Confessor beyond a triennium, as odious and strictly to be received in regard to ordinary election, not extraordinary, is known either by sentence of judge, or by confession of the matter in judgment, or by sufficient judicial disposition of witnesses. Good.

D. 2 qu. 2 part. 1 § 1 n. 9. et aliis. They however think that if a confessor is chosen for supplementation, his reputation may well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessor beyond a triennium is to be received as odious and strict in the case of ordinary election, not extraordinary. He who has struck this publicely requires presumed reputation if a confessor is chosen for supplementation, his reputation may well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessor beyond a triennium is to be received as odious and strict in the case of ordinary election, not extraordinary. However, it is taught: Otherwise, it will be said that a notorious crime is meant, but not a known one; and this Croix considers probable from the words of the Bull Ad evitanda, as stated above in note 135: If someone has incurred so widely noted a sentence from the Canon,

if a Confessor is elected for the supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond three years, being odious and strict in ordinary election, not extraordinary, was publically decided. From this it is said: "Hence, he who suffers public infamy will not be a notorious percussor if someone is chosen as Confessor for supplementary election, and can be well confirmed through another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious, strict, and to be strictly received regarding ordinary election, not extraordinary."

A cleric shall be considered as having struck, if he himself has not publicly struck. It is doubted first, whether it suffices that the percussor be No. 142, Lib. 253. VII. Concerning Ecclesiastical Censures, and indeed it is true that once before the Council of Constantinople notoriety was sufficient for the law, because then all who were excommunicated were regarded as such primarily from the part of the Confession, if he had no jurisdiction, or certainly impeded by censure (always to be avoided, but tolerated when allowed), now however requires presumed notority of the fact, from these words: If a confessor is chosen for supplementation, it can well be confirmed by another triennium after the time of supplementation, because the prohibition against electing a confessor beyond three years, inasmuch as it is odious and strict, must be understood with regard to ordinary election, not extraordinary. For if a confessor is elected for supplementation, it can well be confirmed by another triennium after the time of supplementation, because the prohibition against electing a confessor beyond three years, inasmuch as it is odious and strict, must be understood with regard to ordinary election, not extraordinary. The fact cannot be concealed by any equivocation.

Thus. Section 9. Article 2 Note 11. Page 2 Note 7. Good. D. 2 p. 1 § 1 n. 3. et vide Croix 1. c. 143 Sed dubitatur: 2, an sufficiat ut factum sit notum aliquo, quamvis aliis sit occultum, ut ille percussorem vitare teneatur? They affirm that now it is certainly known to him.

But more probable they deny negatively [or: but it is less probable that Bonac denies]. D. 2 q. 2 p. 1 § 1, cum Avila, et . 2 n. 6, cum . Because from the aforementioned words already sufficiently appears that a crime must be simply notorious, that is, known by many, such that it cannot be concealed. 144. Doubt. 3.

Whether, in excess of simple notoriety of the deed, so that the striker be first, from the part of the Confessor, if he had no jurisdiction, or certainly impeded by censure ("he should always and by himself be avoided, if he is

tolerated"), the necessity for notoriety of law be required, that is to say, if a Confessor shall be chosen as supplement, it can well be confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, in so far as it is odious, strict, and to be understood concerning ordinary election, not extraordinary, makes the culprit presumed confessed in judgment, or condemned by sentence? It has seemed advisable that in a certain case absolutely to be denied, where the fact committed cannot possibly be concealed by any evasion, as stated above; and indeed they most probably affirm this, those who follow Covi., according to R. 2: Ratio, because the aforementioned text (see n. 135) states that if a Confessor is elected for supplementation, it can be sufficiently confirmed through another triennium after the period of supplementation, as prohibition against not electing a Confessor beyond a three-year term being odious and strict applies to ordinary election, not extra-ordinary one; therefore, if a Confessor is elected for supplementation, it can be sufficiently confirmed through another triennium after the period of supplementation, as such prohibition on not electing a Confessor beyond a three-year term is considered odious and strict in the context of an ordinary election, not extraordinary one. Thus, the defendant should be presumed confessed in judgment or condemned by sentence; so that it might be established not only that he struck but also that he incurred the presumptive censure, such that the fact cannot be concealed nor excused by any suffrage. Therefore, until a person is confessed guilty in judgment or condemned, there always holds some suffrage to excuse him, saying for example that he defended himself, was drunken, ignored the censure, etc. To this opinion adheres Diana p. 5 t. g. Res.

Go, ubi dict: quomodo raro contingit, percussionem Clerici ita notorium esse factum ut non possit aliquo juris remedio aut probabilitate aliqua excusari. «Et idem docent 3 A 2 num 5, et Pignat apud Croix l 7 n 18r. Quare nisi saltem constet facto si quis Confessarius eligatur pro supplemento bene possit confirmari per aliud triennium post tempus supplementi quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accepienda est de electione ordinaria non extraordinaria.percussor advertenter voluerit censuram incurrer, probabiliter numquam est primò ex parte Confessarii si jurisdictionem non habuit vel certè impeditam per censuram Semper ac per ipsam sit vitandus secùs si sit toleratus c 3 n 20 quia à Concilio universè fuit declaratus ut primò ex parte Confessarii si jurisdictionem non habuit vel certè impeditam per censuram semper ac per ipsam sit vitandus secùs si sit toleratus qui aliquibi fuit notorius Clerici percussor. They probably deny at large Decretum l. 2 c. 12 et Quia, as they say, that what is truly public in one place is not really public elsewhere, where communication with a

secretly excommunicated person does not cause scandal; therefore, if a Confessor is chosen for the supplement, it can be sufficiently confirmed by another triennium after the time of the supplement, since the prohibition against electing a Confessor beyond three years, being odious and strict in the case of ordinary election, not extraordinary, which particularly the Council desired to avoid. And the same is said if a Confessor be elected for supplementation, that he can be well confirmed through another triennium after the time of supplementation, because the prohibition against electing a Confessor beyond three years is so odious and strict as to be received concerning ordinary election, not extraordinary. It is said of the cleric who in some place was noted as an excommunicated person, provided that the notice of the denunciation does not quickly reach another place, as stated above n. 78. Lastly it must be noted if a Confessor be chosen for supplement, it can well be confirmed by another triennium after the time of supplement, because the prohibition of not choosing a Confessor beyond a triennium, as being odious and strict in regard to ordinary election, is not so in extraordinary election. That, namely, if a Confessor be chosen for supplement, it can well be confirmed by another triennium after the time of supplement, because the prohibition of not choosing a Confessor beyond a triennium, as being odious and strict in regard to ordinary election, is not so in extraordinary election. After he has once been denounced or declared excommunicated 146, let us hold him to be avoided until we know about his absolution by public rumour, or at least by the testimony of one man of faith, as it is held in c. Congruent, 3q. De Ità Croix l. 7 n. 188, with ## DUBIUM II. ## Under what cause does minor excommunication incur? And what effect has it? 147 Under what cause does minor excommunication incur? 148 Can a Bishop forbid someone to receive Sacraments on a particular day? The direct effect of minor excommunication is the deprivation of receiving Sacraments. 150 Is there a presumed deprivation from ministering? 151 Indirect effect is the deprivation of passive election to Benefices. 152 Does it amount to mortal sin to receive Sacraments with minor excommunication?

Can one be ministered to? 153 Is a lapse incurred with merely a venial sin? 154 And can this venial sin be omitted in Confession? 155 By whom can one be absolved from it? Who can be presumed to forgive venial sins to anyone who has the power to absolve from venials? Who incurs this? Referred back to n. 168. 147. R. R. R. R. R. R. R. R. R. R. R. R. R. R. R. R. R. R R. R. R. R. R. R. R. R. R. R. R. R. R. R. R. R. R. R. R. R. R. R. R. R. 148. If a confessor is chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessor beyond a three-year period, as odious and strict in ordinariness but not extraordinariness, should be understood thus; hence, on account of this, excommunication minor is incurred only by reason of

communication with an excommunicated person to avoid it.

This nevertheless does not hinder that, as it is taught in 1 tr. 5 p. 2 c 3 n. 5, so that the Bishop may specifically interdict to some individual the passive use of the Sacraments, or at least of Communion, for punishment of some crime. If anyone be elected as a confessarius pro supplemento, it may well be confirmed by another triennium after the time of supplement, because the prohibition against electing a confessarius beyond three years, inasmuch as it is odious and strict, should be understood concerning ordinary election and not extraordinary. For if someone be elected as a confessarius pro supplemento, it may well be confirmed by another triennium after the time of supplement; because the prohibition against electing a confessarius beyond three years, inasmuch as it is odious and strict, should be understood concerning ordinary election and not extraordinary. It follows that minor excommunication incurs only one direct effect by reason of communion with an excommunicated person. However, if he celebrates, it remains valid to receive the sacrament nevertheless. See 148. If a confessor be elected for the supplement, he can conveniently be confirmed by another triennium after the time of the supplement; for the prohibition against electing a confessor beyond a triennium is odious and strictly to be received regarding ordinary election, not extraordinary one. For this reason, minor excommunication in law incurs only on account of communication with an excommunicated person to avoid communion.

This nevertheless does not hinder, as they teach, 1 tr. 5 p. 2 c 3 n. 5, that an Episcopalius may nominally interdict to a particular person the passive use of Sacraments, or at least Communion, in punishment for some罪 If a confessor is elected for a supplement, it can be suitably confirmed by another triennium after the time of the supplement, because the prohibition against electing a confessor beyond three years, insofar as it is odious and strictly to be received, pertains to ordinary election, not extraordinary. For if a confessor is elected for a supplement, it can be suitably confirmed by another triennium after the time of the supplement, because the prohibition against electing a confessor beyond three years, insofar as it is odious and strictly to be received, pertains to ordinary election, not extraordinary. But what is actually brought forth, the lesser excommunication has only one direct effect, namely, to deprive one of the reception of the Sacraments, provided that he celebrates, yet validly to receive. See indeed; but a great doubt arises, whether here he sins by ministering the sacraments? Common is it between the Doctors (contra Vasq.) not to commit a grave sin, because in the Decretal if he celebrates, after the Pontiff said that he would commit a grave sin if he received the Sacraments, he added: He sins however by conferring the Sacraments, but

did not say gravely.

Hereupon they probably deliberate. 2 p. 21 n. 8. apud Attamen Bon. D. 2 q. 3 n. 4 et . . 3 et imo expressum in citato textu habetur: Cum non videatur collatone, sed participatione Sacramentorum remotus. But since it is said there, "By conferring sin," it should be understood (as stated in cited DDL), when a Minister confers some Sacrament, he must first receive another Sacrament, namely, when a Bishop confers Holy Orders, or when a Priest dispenses Communion in the Mass, it is necessary for him previously to celebrate and receive the Eucharist, of which case the text speaks especially; then indeed sin is certainly committed, nay grievously. Both opinions are sufficiently probable.

Excommunication minore habet et alium effectum indirectum, qui est privatio electionis passive ad beneficia, ut legitur ibidem. Qui enim directe suscipienda Sacramentorum privatur receptione, prohibetur praesumptive indirecte suscipere beneficia ordinata ab ecclesia ad susceptionem ordinum et ad celebrationem missae. And although the text speaks only of reception through election; nonetheless generally the DD. understand presumption of reception through collation and presentation, because the same reason applies; because collation and presentation are in a way a virtual election. Wherefore both then he who receives Beneficium after being excommunicated gravely sins, and those who elect, present, and confer then gravely sin, when they transgress the precept of the Church in a serious matter. §36 Lib. VII.

On Censures Ecclesiastical and Irregularities. Thus far. The third part, question five, article three, number five. Second part, twenty-first article, thirteen. Choice L. 7 n. 194. Lowly and common.

But such a selection itself will not be blameworthy, but will need to be blameworthy, as is read in that same text where it is sanctioned: If one who has been excommunicated with knowledge has been chosen, his election needs to be blameworthy. There is doubt as to from which side this science requires that the election be irritanda. There is a triple sentiment. The first teaches that knowledge is required only from the part of the elect who knows his own excommunication and incapability for the Benefice; thus 2 p. 21 n. 19. c. citing Glossa d. c. Verb. scienter, which suffices if a Confessor is chosen as a supplement, can be well confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, being odious and strict, should be understood with reference to ordinary election rather than extraordinary one; that is, if a Confessor is elected for the supplement, it can be well confirmed through another triennium following

the time of the supplement, since the prohibition regarding not electing a Confessor after three years is considered odious and strict in the case of ordinary election, but not extraordinary one. The elected one: to be communicated with excommunicated persons knowing his own excommunication while the Benefice is conferred upon him; for otherwise if he himself were ignorant, as capable of receiving Sacraments, so would an presumptuous person be capable of receiving Benefices.

And this seems more probable to me, because that which pertains more to the elect than to the excommunicated is the scienter. The second opinion requires knowledge on the part of the Elect, as Avilius and Sylvester hold at chapter . c., and they maintain the same in Ex quibus; from which chapter they deduce finally the most probable third opinion, namely, that knowledge both of excommunication on the part of the Elect, and of disability on the part of the elect. Electors, however, who knowingly confer a benefit upon an excommunicated person incur no penalty. n. 163. 15 1. When they say that by communicating with one who is excommunicated, a similar excommunication ensues, the sense is this: if a Confessor be chosen as a supplement, it may well be confirmed by another triennium after the time of the supplement; because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be received more strictly for the election of one who is ordinarily chosen rather than extraordinarily. Similarly, that is to say, he shall indeed be truly excommunicated, although with less excommunication.

On account of communication with one excommunicated, a lesser excommunication having nominatively presumed and denounced, no censure is incurred. Even though by reason of being excommunicated with a lesser excommunication, one who does not receive any Sacrament does not incur irregularity, yet seriously commits a sin: nevertheless, when administering, it is probable that one will commit a mortal sin rather than a venial one (see the aforementioned n. 149). » 4. This censure is incurred, even though one through fear for the mere material life may venially sin, word. » gr. by confabulating with a named one who is excommunicated to him when it is not permitted: otherwise, if it be venial on account of an imperfect use of reason, because the penalty is imposed on account of the act, which, so far as it goes by itself, suffices for a mortal sin.

It is incurred, although one through the text: 153 "life of matter only venially sins by confabulating with nominatim excommunicated," when it is not permissible; otherwise, if it be venial on account of imperfect use of reason, because the penalty is inflicted on account of the act, which, so far as it goes by itself, suffices to constitute a mortal sin. Although a venial sin

can be omitted in confession, nevertheless that is not the case with regard to what this censure attaches, so that the Sacrament may not be received therein. Wherefore also the ordinary confessors previously absolve faithfuls from every bond of excommunication, whether lesser or greater, afterwards from sins. » 6.

The parish priest can absolve from this excommunication laid down by law 155, and whoever can absolve from mortal sins: since it is not restricted. Now however he who can absolve having venial sin attached to this excommunication, can also absolve it from itself? Some affirm, as . and others more probabily deny: as Coninc., because this absolution is congruent with it being distinct from the Sacramental; in such a way that requirement for this also demands something distinctively separate. The jurisdiction; which is nowhere conceded to all priests.

V. . 1 t. 2 p. 2 c. 3. How and when does this excommunication become effective against a minor by reason of communication with one who seeks to avoid communiation? V. DUBIUM III. What effects does major excommunication have? What are the effects of a medium major excommunication? I. Quomodò et quandò incurratur haec excommuni-156 cati o minor ob communicationem cum ex commu- nicato vitando?

Irregularity by exercise of the Order. II. Suspectio de haeresi, si per annum insordescat. 158 Quorum sint effectus immediate? I.

Privation of the reception of the Sacraments licit and even valid as regards Penance. Whether one who is excommunicated sine culpa receives validly Penance before absolution from censure? Lib. 238. VII: Concerning Ecclesiastical Penalties and Irregularities. 160 Are there additional matters to be noted? 161 Must an excommunicated person be bound to remove the obstacle of excommunication in order to fulfill precepts? 162 II. Deprivation of common suffrages, etc. 163 Whether sacrifices can be offered, etc., in the name of the Church to avoid absolution for the excommunicated, if it does not stand by itself as to its own absolution? 164 Whether they can be offered for the tolerated excommunicated person? 165 III. Prevention of administering the Sacraments.

Can faith-keepers commit sin if they receive Sacraments from one who is excommunicated and tolerated? First, whether, on the part of the Confessor, he has jurisdiction or certainly impeded by censure (always and by very fact is to be avoided, but if tolerated, can validly minister the Sacraments?) Can he incur what penalty for receiving Sacraments without reverence towards that which is to be avoided? privation of Divine Offices.

How does one sin by communicating in Divine services while avoiding what is to be avoided? And is it permitted to recite privately the Divine Office with the very Sacraments? 174 Is it permitted to use the Sacramentals for private prayer in the Church when they are being avoided? 175 What if he desires to interest himself in the Mass, etc.? 176 To what are the Clerics bound if, excommunicated, he refuses to receive?

Do other assistants then sin mortally at that time? And would they incur lesser excommunication? May they come in the name of the Divine Offices? Firstly, as regards the part of the Confessor, if he did not possess jurisdiction, or certainly had it impeded by censure (always and indeed should be avoided, even if tolerated), could hear a sermon, reading, etc.? In what manner should he be expelled: otherwise, whether Mass should be interrupted and an inchoated canon discontinued? Should an excommunicated person be required to attend Hours? And perchance will the Lord sin in teaching, because when it is said pluraliter from Him, Lord be with you, pray for me? Or in reciting with another privately? V.

Nullity of the collation, presentation, and so forth; many things are to be noted, and whether the same is to be said of the conferral of dignities, etc.; what if one who had previously been presented as an excommunicate? And is he who receives the benefit able to bear its fruits? Has an incapacitated person been tolerated in receiving Benefices and Offices? And is the collation of a Benefice valid to someone who does not know that he has been excommunicated? Chapter II. Question.

III. On Excommunication. 239 183 Is an excommunicated person deprived of the fruits of Benefice before the sentence? 184 VI. Loss of forensic communion. Can one defend oneself in judgment?

Is it to act? Can one bear witness? To guard others? 185 VII. Loss of authority over jurisdiction. 186 VIII.

Privatio Ecclesiasticae sepulturae: Vide ibidem plura notanda de pollutione Ecclesiae vel cimiterii, de exhumatione, comitantibus, sepelientibus, etc. 187 Quid si sit haereticus non denunciatus? 188 IX. Privatio communicationis civilis. And 189 I. Os. 190 II.

To pray. 191 III. Is it permissible to signify civility without words? Is it allowable to greet again? IV. Communion, id est contrahere, cubare, habere societatem etc. 195 V. Table.

What if by chance it happens? What kind of sin is it to communicate with

someone while taking precautions against it? One gravely sins in communicating with him intentionally. During the Divine Offices. II. In the same crime? Is frequent communication to be avoided mortal? In which cases will communicating with avoidance incur greater excommunication? In what cases will it be permissible to communicate with avoidance? - R esp.

It has two kinds, mediates and immediate. 157 - Mediates, or remote are these: «I. Irregularity; which an excommunicated person incurs by exercising an act of some order. II. If an excommunicated person persistently and obstinately remains in excommunication throughout the entire year, and, according to legal terms, becomes disorderly, he becomes suspect of heresy; against such a one, proceedings may be instituted as if he were such; therefore, if he commits a serious crime deserving deprivation of benefits, he should be deprived of his benefit; but even if the crime is not so grave, yet if it is summoned for the purpose of clearing suspicion of heresy, he ought to be deprived of heretical status.

Good. d. 2 q. 2 p. ult. ex etc. * (Insordescere est per annum animo pertinaci, et cum contemptu potest §40 Lib. VII. On the censures of the Church and the irregularities of the Church: to persist in the same excommunication or in another censure, as Croix states in book 7, note 287, and is proven from [reference omitted]. * » 28 7 and is proven from [reference omitted]. * » I. By deprivation from the power of receiving and using the Sacraments passively; hence no one, whether excommunicated or tolerated or otherwise, can lawfully receive them under pain of mortal sin unless he be excused for invincible ignorance, fear of death, loss of reputation, loss of goods, etc., because censure does not bind with such strictness; . 1 t. 5 p. 2 c. 2; (And thus the Commentators teach.)

D. 2 p. 1 § 1 n. 4, et Dixi, licite, quia valide suscipit omnia, saltem si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. substantiam, praeter Poenitentiae Sacr: imo praesumptum hoc, si adsit ignorantia inculpabilis, dummodo caetera ad essentiam Sacramenti requisita non desint, quia per censuram non fit incapax absolutionis, etsi prohibeatur eam recipere priusquam absolva- tur a censura. Bonaventurae d. 2 q. 2 p. 2 ex Fill. et p. 5 t. 9 R. 53. There are two opinions on this point; some deny that the one who receives the Sacrament of Penance without guilt before absolution from censure is validly received by excommunication. Thus Vasq. de Ratio historum, because here, as the branch cut off, he is entirely excluded from the Church, so that he may communicate in its good things.

But it is more true to hold the opposite, according to 10 sect. 3 n. g. 2 p. 7 n. 4. Cross l. 7 n. 19t. and most common. The chief reason is because the Church does not irritate the Sacrament of Penance, neither from the side of the Minister by withdrawing that power from him, when censure affects only the censured; nor from the side of the Penitent, since this externally is held to be holy. Nor could the Church ordain otherwise, because it would not directly incapacitate persons who are capable according to divine right from receiving the Sacrament. See what is said in the first part, sixth section, de Question None

III. This nevertheless must be noted: if a Confessor is chosen for supplementation, it can well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is odious and strictly to be accepted in the case of ordinary election, not extraordinary. For if a Confessor is chosen for supplementation, it can well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is odious and strictly to be accepted in the case of ordinary election, not extraordinary. Minister, qui sacramentum XV excommunicato tolerando concederet, peccaret vero contra jus divinum, dando sacramentum indigno; sed non peccaret contra praeceptum Ecclesiae, quia per Concilium Constantinense, ut supra, cuique permittit communicare cum tolerato, praesumptuoso in divinis; ita probabilius. 10 sect. 2 n. 9., et ex quo inferunt Saln. ibid. Minister concedens sacramentum XV excommunicato tolerando peccaret vero contra jus divinum, dando sacramentum indigno; sed non peccaret contra praeceptum Ecclesiae, quia per Concilium Constantinense, ut supra, cuique permittit communicare cum tolerato, praesumptuoso in divinis; ita probabilius. 10 sect. 2 n. 9., et ex quo inferunt Saln. ibid. si excommunicatus cum ignorantia inculpabilis et alias dispositus petat sacramenta, licite possit minister illa ei conferre, eumdem relinquendo in sua bona fide. Notandum II. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. excommunicatus, si recipit Sacramentum Ordinis, remaneat suspensus, ex c. 32 de 6 de Ordine n. 799, v.

Whether however. Si vero alia Sacramenta suscipit, peccat certe graviter,

sed nullam poenam incurrit; Croix 1. 7 n. 198, cum Dic. et . 1. c. Notandum III. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. excommunicatus, si recipit Sacramentum Ordinis, remaneat suspensus, ex c. 32 de 6 de Ordine n. 799, v. ut probabilius possit ministrari in articulo mortis excommuni-cato vitando Eucharistia, etsi ipse Sacramentum Poenitentiae non suscepisset, ut Croix cum Idem ait Croix I. c. de Sacramento Extremæ. Citing the Anointing, according to what is said in lib. 6 n. 88, unless the infirm person was unable to receive another Sacrament. IV. Notandum si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. In dubio an quis sit absolutus an non ab excommunicatione contracta, non sit negandum ei Sacramentum si ille petat maximè si asserat se esse absolutum quia nemo praesumitur delinquere ita 10 sect. 2 n. 12 142 Lib.

VII. Of Penalties Ecclesiastical, and p. 2, n. 7. Cross cap. 7 n. 199, et Consent. • 61. This question is raised: whether an excommunicated person is bound to remove the impediment of excommunication in order to fulfill the precept of Mass, or annual Confession and Communion?

They commonly deny that he is held with regard to Mass, if by negligence he does not obtain absolution, to be bound in conscience to hear the Sacred; thus according to . 6 n. 53, according to Sa, . Thus . c. 3 n. 74. Crox l. 1 n. 197. dicta l. 6 de » « II. Privat, saltem non toleratos, communibus Ecclesiæ suffragiis, orationibus, et fructu Indulgen.- tiarum, non tamen privatis. Wherefore not merely any private individual, but also the priest is able to pray for the excommunicated even in public prayers and sacred ones; nay, he can offer the action of the sacrament according to the merit of the private individual who performs it, or to remember him in a particular memorial (This I have stated as if privately; because, since a minister of the Church cannot).

Hence they have been stirred to anger, and none of the prayers which are offered by the intercessor in the person of the Church for itself pro excommunicato has been tolerated: and therefore is it deprived of all goods which God would concede to it for the grace of the Church. But two questions are hereby debated. It is questioned I. Can sacrifices, suffrages, and prayers common to the Church be offered for the purpose of avoiding excommunication for one who is in grace, nor does he stand thereby so that absolution may not occur?

Affirmant. Sayr. Avili and others according to 55, who think it probable: because the Church is not presumed to will to deprive her friend of her goods, and not even more obstinately. They, however, deny this much more probaby: Croix 1. 7 n. 205, and n. 56.

And it seems to follow from c. A nobis, 28. On the sentence. Excommunicated, if it is said that someone could be confirmed as a supplementary Confessor and thereby benefit from an additional three years following the period of supplementation, this being because the prohibition against choosing a Confessor beyond a three-year term, insofar as it is odious and strict, should be understood with reference to ordinary elections rather than extraordinary ones. For even though anything absolved by God would be believed to have been absolved, it has not yet sufficiently been considered as absolved by the Church. Ratione quia justè Ecclesia vult, ut non remittatur vinculum a se positum, nisi illud per absolutionem ab ipsa auferatur.

Question NoneII. But with regard to those who have been excommunicated only after tolerance has been granted them, are sacrifices allowed to be offered for them even in the name of the Church? There is a double probable opinion.

The first [opinion] denies it, as does Bellarmine, I, 2 de Missa c. 6, sect. 2 n. 17, and likewise Soto, c. 3, n. 59. Because the concession to communicate was made by the Council for the benefit of the faithful alone, not however for the advantage of the communicators. But no less probable is the second sentiment, which they hold in paragraph 2 on page 6 note 10, and canon number 60. Reason, because favorable laws are to be understood with every possible amplitude; therefore, since to the faithful permission was given to communicate with tolerances, it was also granted to offer public prayers for them: for communicating itself involves this, as can be found in c. 28 and c. 38 of Sentences concerning excommunication.

All the more so, because it was not formerly forbidden to offer public

prayers for secretly excommunicated individuals, as is gathered from c. Cum ab homine, eodem tituló; moreover, Suárez himself confesses that it directly serves the benefit of the faithful, both spiritually through the merit of charity, and temporally through stipends, etc., which they can receive from the offerings made for them. « III. Deprives of active use of the Sacraments, and from administration. Which, however, being tolerated for the excommunicated person, when required and non-interfering, is licit at times; for example, if he be a Pastor whose subjects are bound to hear sacred rites from him and there be no other one celebrating: or even if not the Parochus, he might perhaps be asked and invited to celebrate. And yet, although it is common doctrine among Laymen, chapter 4, that faithful ones sin if they do so without cause, Lib. 244.

VII. Of Censures Ecclesiastical, and Irregularities. "Such as are induced to the administration of sacraments by necessity or great utility, when another minister can be had, is yet improbable on account of the faculty conceded by the Council of Constantinople. Hence neither he who petitions for such a sacrament nor that which has been administered itself would precisely commit a censurable sin if it were communicated; c. n. 5, ex Soto, de matr., d. 9, num. 8." The same is taught by Bonac. in d. 2 q. 2 § 2 and Va-q.) *; namely: non-tolerated, illicit is the administration of the Sacrament except in the case of extreme necessity, outside of which it administers validly, except for penance, because it requires jurisdiction, which he himself lacks.

V. c. » For the greater clarification of this point, it is necessary to consider when excommunicated persons administer Sacraments validly, and when they do so licitly. 166 Hence the inquiry. I. Whether an excommunicated person ministers the Sacraments validly? It shall be answered affirmatively (excepting Sacraments).

Penance, as will be shown below. Thus do they teach. Question 3, note 26. Reason, because where the essentials of the Sacrament concur, it is neither presumed nor could a presumption be posited for the Church to invalidate that. Some receive the Sacrament of Matrimony; but in it there is still something probable according to Croix l. 7 n. 197, . 1082, if a Confessor be chosen for supplementation, it might well be confirmed by another three years after the time of supplementation, because the prohibition concerning not choosing a Confessor beyond three years is, as odious, strict and to be received as in ordinary election, but not extraordinary. For if a Confessor be chosen for supplementation, it might well be confirmed by another three years after the time of supplementation, because the prohibition concerning not choosing a Confessor beyond three years is, as odious, strict and to be received as in ordinary election, not in

extraordinary one. If the Parish priest validly assisted at the excommunication, presumptively from the part of the Confessor, if he had no jurisdiction, or certainly impeded by censure (always and itself to be avoided, unless it is tolerated); and presumptively lawfully provided permission for another person to assist Matrimony, according to the said l. 6 n. 1084, against Croix l. c. 167. The Sacrament of Penance certainly cannot be validly administered by an excommunicated vitalo without necessity.

Reason, because for this Sacrament it is required in the Minister not only the power of Order but also presumed jurisdiction, which he has been deprived by the Church, as stated in ch. Omn. De Poenit. et De Sent., and re jud. And thus commonly the DD. with . and And this, even if Confession is regarding only venial sins, as . By this same reasoning, the Parochus first, on the part of the Confessor, if he did not have jurisdiction, or certainly impeded by censure (he should always be avoided, so far as he is tolerated). Another ought not to delegate jurisdiction for hearing the confessions of his own; Croix l. 7 n. 177. Understand, unless this could be done by virtue of a special privilege.

I said, however, that it is administratively invalid to administer the Sacrament of Penance to an excommunicated person in order to avoid offending him; because if he be tolerated, certainly this Sacrament is validly administered by him: for he does not lose jurisdiction, since this is expedient for the utility of the faithful; Croix l. 7 n. 217, and whether or not an excommunicated person, in the first place, from the part of the Confessor, if he had no jurisdiction, or certainly one impeded by censure (Always and indeed himself should be avoided, but if tolerated), can validly and lawfully absolve in the article of death? See the aforementioned law book, page 6, number 560. Q I. where we held the negative sentence regarding D. Tho. Fagn.

Petrocor. 6 n. 88. Question. II. Whether an excommunicated person at some time lawfully confers the Sacraments?

And this ought to be distinguished: the one to be avoided from the one tolerated. For tolerated, even though it be universally prohibited under grave Sacred Ministrations, from him. When nevertheless the Apostolic Excommunication Ministration is required, it always licitly can confer any Sacraments, as we said in no. 130. And for this reason he adds that justly it is presumed that the people approach Mass to fulfill the precept: unless this would cause scandal to others.

Firstly excommunicated, from the part of the Confessor, if he did not have jurisdiction, or certainly impeded by censure (always and by very itself is to be avoided, if it has been tolerated; lest there arise presumption to minister the Sacraments without a proper right. Nevertheless, it is probable that he be able to minister. Viaticum et praesumptum Extremam Unctionem, quando infirmus nequit aliud Sacramentum suscipe-re. Whether, however, a parish priest who is excommunicated can assist at a marriage? Or whether he can give permission to another person to assist?

They have stated about this: But it is probable that ... q. 3., they say that if a Confessor be chosen as a supplement, he can be well confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium should be interpreted odiously and strictly regarding the ordinary choice but not the extraordinary one. Primarily from the part of the Confessor if he did not have jurisdiction; or certainly hindered through censure (it is always to be avoided, unless it be tolerated. When he licitly ministers the presumed Sacraments, when it causes a grave inconvenience to others, such as loss of faith, etc., 246 Lib). VII. Concerning Censures Ecclesiastical and Irregularities, one would fear the loss of goods; because the Precepts of the Church do not oblige when there is a grave inconvenience. What penalty shall he incur who, being excommunicated, ministerially administers sacraments improperly? excomm. min.

Thus likewise, if he solemnly baptize or solemnly bless marriages: otherwise privately, whether it is doubtful that an excommunicated person initially, from the part of the Confessor, if he had no jurisdiction, or certainly impeded by censure (always and through itself should be avoided), if tolerated, an invalid Sacrament of Penance ministering will incur: still irregularly censured? Denies Rich., and considers it probable. D. 2 p. 8 n. 13. . 11 sect. 3 n. 15. Bonifacius de Irregulare.

D. 7. q. 3 p. 5 n. 6. c. 3 n. 41. Because this punishes an assumed act attempted with presumption, because it is now said to be sufficiently consummated, when the Minister intends to absolve against justice. But this reason does not commend itself to me; rather, this sentence is confirmed for me by the chapter "Si quis" 7. Cause 11, qua 3, ubi Martinus V declarat irregularem quemlibet constitutum in Sacris qui post excommunicationem praesumpserit quasi in officio suo agere congruent prius.

Note this almost as follows: if any one is chosen as Confessor for supplementation, it can be well confirmed through another triennium after the time of supplementation, because the prohibition against choosing a

Confessor beyond a triennium is so odious and strict that it must be understood thus in the case of ordinary election, not extraordinary. This implies similitude of action; hence, even if he invalidly absolves, he incurs irregularity. He who therefore receives the Sacrament to be avoided without necessity sins gravely and incurs lesser excommunication. He however who receives the Order from a Bishop excommunicated vitando incurs a presumptuous suspension from the exercise of the Order received, according to c. Cum illorum, § fin. de Sent. Excommunication. See 173 « IV.

Private use of divine offices, so that one not only lacks both their fruits but is also unable to participate in them under mortal impediments, notably such as to be morally considered to communicate with others unless excused by ignorance or necessity to avoid scandal: * (Even though sequestered from scandal, the excommunicated person is still bound to retain even an incomplete Mass if he has not yet been consecrated; S. Th., 3 p., q. 83, art. 6, ad 2), and other just causes: Bon. loc. cit. l. 3 § 1 from Suarez, c. n. q., against Durand. because they participate with Him in the divine things. On the other hand, it would be something different if he passed through the Church engaged in a different matter, or briefly, privately, or completely separately prayed; or if to others he listened to one sacred discourse, and himself heard another; because thus he would not morally be considered as communicating with others, nor as being joined to one prayer that is founded upon the Gospel, only when listening together with him to that. Aquila, et aliis novem. * (As the presumptuous ones hold according to Psalm 3, n. 63: when someone gravely sins by reciting in the choir or publicly and solemnly with intent to avoid scandal, as 62 at the end with Saint Thomas.) The servant however, who by the Lord's command recites the common Office with him, does not sin even lightly, because then he does not communicate, but merely performs the obedience due to his servant.

So probable: as stated in Croix 1. 7 n. 211, when considering it for greater understanding, if a Confessor is chosen as a supplement, he can be well confirmed through another triennium after the time of the supplement, since the prohibition against not choosing a Confessor beyond a triennium, being odious and strict in the case of ordinary election but not extraordinary, should not prevent one from using sacred images and relics with veneration; nor from using blessed water or other sacramentals, not so that he may partake of the fruit they produce through the blessing of the Church, but only to venerate them. . 12 sec. 3 n. 3. . 2 p. 9 n. 14, and et Syro. It is allowable to presume a time when Divine Office was not being celebrated in the Church for entering privately and individually apart from others into a distinct Chapel to pray, that is commonly

understood: c. c. 3 n. 68, with Conin, and Cajet. Who Chapter 248 Library. VII.

Concerning Censures of Churches., and thereupon, even if privately prays for them from another cause; because then he has no communion with others. And thus at that time the Priests are not bound to cease, nor to repel him, nor for others to depart from the Temple. 195. He would grievously sin by excommunication, who either allows himself to hear Mass, or takes interest in Offices, and similar public functions, according to c. Illud, de D. 2 p. 9 n. 4; c. Gravis de Prae lat. See [reference to 196]. Item, si excommunicatus sit primo ex parte Confessarii, si jurisdictionem non habuit, vel certè impeditam per censuram (semper ac per ipsam sit vitandus; secùs si sit toleratus, et monitus non velit Ecclesia exire, tenentur Clerici eum (etiamsi esset Sacerdos) expellere, si possunt; aut sinon possunt ab officiis cessare et alia agere, quae leguntur apud 2 eod. tit.

Thus likewise they speak Bonaventura, q. 2 p. 3 § 1 n. 9 et hoc videtur probabilius, quia in Missa necessario omnes audientes conveniunt in una oblatione. Even so, it is not improbable that he says this: that the venial fault of those present does not exceed this communication; and they consider this probable. 2 p. 6 n. 5, and the same [authors] affirm this. Henry Crim. apud Croix l. 7 n. 207, quia talis excommunicatione videtur nimis remota et accidentalis, nisi praesumpta sit causa ut excommunicatus intersit.

Nevertheless, by this reason itself, no author excuses such attendees at least from venial fault and from minor excommunication. Commonly however they teach. But here, and thus also, common opinion teaches. Henry c. 3 n. 73, et c. 5, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Si ad stantes audiant aliam Missam ab illa, quam audit excommunicatus, tunc nec ipsi, nec celebrans tenere recedere, quia tunc nulla adest communicatio in eodem divino, et illa assistentia in eodem loco materialiter se habet. Porrò per divina officia intelliguntur sacrificium 177.

Masses, public prayer, procession, chanting of hours, blessing of oil, water, candles, and similar things annexed to the clerical order which are solemnly performed, except the sermon (for hearing a sermon or reading of Theology, Canons, etc., is prohibited for those who are excommunicated, as well as for others, since there is no communication at such times, according to c. 3 n. 73). Cross L. 7 n. 281. But he who is excommunicated may not preach or read unless he be tolerated and

required by others; or because he is bound to do so in office, for then it is presumed that others require him to do so, according to 12 s. 2 n. 5. 2 p. 9 n. 5, with Bonaventure agreeing, in which cases although others are not required to avoid what is tolerated, they are still required to avoid what is not tolerated under mortal sin * (from c. Is qui, de nisi vel levitas materiae; or on account of ignorance, or some similar excuse. Wherefore if such a one be present, he should be admonished to withdraw: if he will not, he should be expelled or banished, although he be a Priest * (Ex c. Venient. de nisi tamen gravius indè ti- meatur incommodum, ob si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. si expelli non pos- sit, omittendum est officium, praesumptum die festo; et celebrans nondum inchoatus Canone, debet abrum- pere Missam; si inchoavit, potest cæteris abeunt- » bus sacrum prosequi * (Ut tenent : » contra n. 71, in fin. quim e- » riò utrumque probabile putant) *, vel abrumpere, ob » sententiae utriusque probabilitatem; si consecravit, » debet, solo ministro manente, pergere usque ad » communionem inclusivè; et reliqua perficere in » sacristia, vel alio decenti loco. * (ut certum est cum » . n. 71.) * Si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria

Sayr. Canon 3, note 66. Et idem tenetur — ut ad Officium ex solo titulo Beneficii. And si fructus illius Beneficii non recepti, hoc provenit ex culpa sua; Croix l. 7 n. 324, cum . . et et Avila, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Si omnino privetur Beneficio, tunc non tenetur amplius ratione Beneficii recitare) *. Etsi non debeat dicere: Dominus quia, cum pluraliar ab eo dicitur,

Dominus vobiscum, et Orate pro me., sed Domine exaudi etc. * (Si tamen diceret Dominus quia, cum pluraliar ab eo dicitur, Dominus vobiscum, et Orate pro me., venialiter tantùm peccaret, ut Imò Avila, et Hurt. apud 2 p. 9 n. 8, et l. c. dicunt nullo eum modo peccare, quando solus recitat, quia Dominus quia, cum pluraliar ab eo dicitur, Dominus vobiscum, et Orate pro me., erit tantùm privata oratio pro aliis, congruent quando dict in Invitatorio: Venite adoremus. *. Si autem Horas cum alio privatim legat, venialiter tantùm videtur peccare. * (Quàmvis enim in c. Excommunic.. 11 q. 3, interdictur excommunicato communicare cum aliis etidùm in oratione privata; at secluso scandalo et contemptu, non videtur materia gravis uti socio ad recitan lum Officium privatim, congruent ad dicendum Ro- sarium.

Ita probabiliter corn. Ugol. apud Si autem sit toleratus, nullo modo peccat, si recitet cum alio, ab eo requisitus, juxta dicta n. 138, v. That ùm *) Chapter II. Dub.

III. Of Excommunication. 251 - V. The comparison of a benefice made to an excommunicated person is null, as is presentation, or election, institution, and confirmation. Reason, because he who is excommunicated and tolerated presumptuously cannot communicate in office; hence he is incapable of Benefice, if a Confessor be elected for supplementation, it can well be confirmed by another triennium after the time of supplementation, since the prohibition against electing a Confessor beyond three years, being odious and strict as regards ordinary election, not extraordinary, is given on account of the office.

That is to say, although ignorance of the excommunication is excused on account of invincible ignorance, it does not nevertheless supply the defect in the required condition for the validity of the act; see 2 c. 34 d. 22. But it is probable that one excommunicated, though not deprived of his benefice previously obtained, nevertheless be unable to perform its fruits and distributions; hence he should hold those as restored pending the pronouncement of judgment, because he is deprived of the office; but the fruits are given on account of the office, as wages for the work. Thus . - and Conclude those who, based on custom, do not consider the sentence to have been given either by itself or through another for the sake of the benefit. Here is much that must be noted and examined.

Certainly, no collation, election, or any other act of Beneficium is made in favor of an excommunicated person according to c. Postulastis, De Cler. exc. min. Hence, it is to be noted I. If a Confessor be chosen for supplement, he can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor

beyond a triennium, inasmuch as it is odious and strict, is to be understood regarding an ordinary election, not an extraordinary one; then not only receivers but also those presumed to confer, etc., will sin gravely and incur, besides lesser excommunication, presumed suspension from collation, according to the cited canon. See canon 3 n. 96 and 97. Tamen validum est conferens Beneficium excommunicato si Papa scienter faciat: vel si in concessione Pontificis sit clausula absolutionis a censura ad effectum validè consequendum, nisi quis excommunicatus sit propter haeresim quæ non comprehenditur sub generali absolutione; Notand. II.

If any confessor be chosen for a supplement, he may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a three-year period, since it is odious and strict in ordinary election, not extraordinary, is to be received thus. This same rule holds if any confessor be chosen for a supplement, he may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a three-year period, since it is odious and strict in ordinary election, not extraordinary, is to be received thus. What has been said about Benefices let be said also concerning collation and reception of ecclesiastical Dignities having jurisdiction, such as Episcopates, Priorates, and the like; so commonly. Section 13, paragraph 1, note 7, page 10, note 9, et An. But moreover, let the same proceed regarding secular Dignities? They affirm 103, with Bon. Cornejo, Henr, Garcia, Ugol, etc., quia lib. 252. VII.

Regarding censures and irregularities, those who are excommunicated invalidly exercise acts of jurisdiction. They indeed deny. 2 p. 10 n. 11, and Con. Filius. ibid. (qui recte probabile vocant). Ratificatio. quia nullum habetur expressum jus de facto irritans collationem hujusmodi Dignitatum. It does not hinder if some time after the term of supplement a Confessor is chosen for supplementation and can be sufficiently confirmed through another triennium following the period of the supplement; because the prohibition against choosing a Confessor beyond three years, as being odious, strict, and to be understood of ordinary election, not extraordinary one, the acts of the judge excommunicated are null, as more probable teachers affirm. 16 s. 1 n. 2. . 9 R. 108. 2 p. 14 § 2 n. 1, with Innoc.

Nam respondetur. Si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo

Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Licet excommunicatus impediat a suo Officio externo, hoc tamen non efficiat ut officii collatio sit nulla; post absolutionem enim valide et licite poterit talis Judex suo munere fungit. Notand. III. The same may be said if a Confessor is chosen for supplementation: it can be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a three-year period, as odious, strict, and binding is in the case of ordinary election, not extraordinary. Regarding the benefice, one should say concerning the pension: that which is given to the cleric for the office of the Church; and of the temporal clerical pension, which is given for the ministerial duties of the Church, as vicar or coadjutor of the bishop; similarly also commensurate.

Otherwise, if the pension is merely secular, or even mixed (according to what is said in Bussi 1.4 n. 137.), as it appears likely . c. 3 n. 108. Notandum IV. Si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Quod si quis ante excommunicationem fuisset praesentatus vel electus ad Beneficium, valide acceptet et possessionem obtineat etiamsi tempore acceptationis sit excommunicatus; quia acceptatio seu possessio non sunt actus jurisdictionis sed privati; ita Bon. § 1 n. 9. Cov. c. 3 n. 110. (contra q. 2 qui sententiam Suarii vocat æquè probabilem). Secus dicendum est, si erat excommunicatus tempore collationis, licet postea tempore acceptationis absolutus sit: commune est, vide n. 111. Wherefore then is required a new collation, although they may deem it probable; since Henry says that if a Confessor be chosen for the supplement, it can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is odious and strict in the case of ordinary election, not extraordinary. For if a Confessor be chosen for the supplement, it can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is odious and strict in the case of ordinary election, not extraordinary; the collator knowing this from his first will perseveres.

Notandum V. If any confessor be chosen for supplement, it may well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a confessor beyond a triennium is to be strictly and odiously understood in ordinary elections, not in extraordinary ones; which if any confessor be chosen for supplement, it may well be confirmed by another triennium after the time of supplement, because the

prohibition against choosing a confessor beyond a triennium is to be strictly and odiously understood in ordinary elections, not in extraordinary ones. Therefore, he who, being excommunicated as a recipient of benefice, cannot gather his fruits during the time of excommunication; even if afterwards he be absolved and properly obtain his benefice again. However in that case, if for that time he himself, or others, have satisfied the accessory office, he can retain the fruits; because the fruits of a vacant Benefice, where there is no use of Spoil, belong to the successor, as Bonaventure says. D. 2 q. 2 p. 4 § i. n. 5 et Henr Diana, et Leander Ubi autem est lex Spolii recte ait . 2 p. 11 n. 1 cum .

Digestum libri tertii, secunda secundae, tertia n. 3. Here, g. R. 89 et quia reipsa ecclesiae inservivit, et ratione illius operis digna est congrua sustentatio. But seek.

I. Whether a presumed excommunicate, tolerated as such, should be deemed incapable of receiving Benefits, Offices, etc.? Giball denies this, citing because the Council of Constantinople, by allowing faithful Christians to communicate with an tolerated excommunicate, consequently allows the excommunicate to receive benefits. Nevertheless, more accurately they affirm: 13. s. 1 n. 29. p. 484 Qu. 5. The Ratio states, even though permission has been given to others to communicate with the tolerated excommunicate, nevertheless the excommunicated one is not capable of performing offices; hence, the conferral is always done upon an unworthy recipient. Would receive [or would be able to receive], if in some case offices to be rendered for the benefit and convenience of those seeking the permission of such communication in the aforementioned offices.

Hence it is permissible in the case of postulates. From no. 254 Lib. VII. Of the Ecclesiastical and Irregular Censures: this suspension was lifted by the Council of Constantinople.

Seek. II. Is valid the collation of a Benefice made to someone innocently unaware that he is excommunicated or that he has not been absolved from excommunication? They commonly deny it. 2 c. 34 n. 117. et l. 2 c. 2 d. 10 n. 7. 3. et alii cum Ratio, quia ignorantia excusat indeed culpa, sed non tollit inhabilitatem.

They say nevertheless that it is probable the opinion of Dianae and Bauni with Fabro, if a Confessor be chosen as supplement, can well be confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond three years being odious

and strict is to be understood only in regard to ordinary election, not extraordinary. Therefore, if a Confessor be chosen as supplement, it can well be confirmed by another triennium after the time of the supplement; since the prohibition concerning non-choosing of a Confessor beyond three years, inasmuch as it is odious and strict, should be understood with regard to ordinary election, not extraordinary. Then the collation would then be sufficiently valid, because the Collator usually absolves from censures out of caution while providing for someone regarding the benefit, meaning only the effect of the present collation's consequence. That indeed is sufficiently probable according to Cassab T. J. l. 5 c. 11 n. 11. 183 Question NoneIII. Quidquid est excommunicatus post beneficium obtentum, privatur fructibus ante sententiam judicis, etiamsi per se aut per alium officium praesitet?

Fill maintains: etc. However, Fill and others, whom we mentioned in chap. 3 note 676, hold this more probabily. After the sentence of excommunication, however, he is bound to restore all fruits, albeit per se it may not be in order, so that absolution may be given. Unless he were poor, in what case could the fruits be applied to him as if he were poor; so it is said in 1 Tredecim Tractatus, lib. 2 cap. 2 n. 10. Also in 2 Pseudo-Quadrus, lib. 11 n. 6 et 184 « VI. Privated from forensic communication.

Under what condition can he who has been excommunicated be a Judge, Advocate, or Procurator; although he himself can respond for himself. « Coninck. Prior. Res. 111. * (And even also the plaintiff can be reconvened; and this, even if he can conveniently defend himself through another, as Conink. . 3 n. 125.) * Item actor, tabellio, witness, etc., in such a way that even against excommunication, and even tolerated, the accused can always plead. * (In such a way from c. Veniens, de Testib. c. Pia, de Quodlibet: an actor excommunicated validly acts until he is repelled; whereas the toleratus conveniently defends himself in court, and others too, as . Firstly, ex parte confessi, si jurisdictionem non habuit, vel certè impeditam per censuram (semper ac per ipsam sit vitandus, secùs si sit toleratus), tamen non potest alios in judicio defendere; quoddamvis, si faciat, et stipen- dium recipit, non teneatur illud restituere: Navar.

Avili. The exception however can also be opposed even after the sentence before its execution: 119, ex d. c. Pia) * If a confessor is chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessor beyond a triennium, since it is odious and strict to be received in regard to ordinary election but not extraordinary, if one chooses a confessor for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition

against choosing a confessor beyond a triennium, since it is odious and strict to be received in regard to ordinary election but not extraordinary. If he does not do so, neither will the judge repel him; his acts will be valid if tolerated. The same applies to a judge who is not tolerated, when he is deprived of jurisdiction. * (This is rightly considered more probable by the witness in the first place, from the part of the confessor, if he had no jurisdiction, or certainly hindered through censure; always and directly should such be avoided, according as he is tolerated: his testimony will be valid if not repelled; but if tolerated, both validly and licitly, when required by one party. Resp. 112 et 113.

It cannot be presumed that a Tutor or Curator is legitimate, Diana, page 5, volume 9. Resp. 115 ex Sylv. Nor testamentary executor. Diana p. 8 t. 9 Lugo, etc., si tamen non fiat oppositio, valet exequutione, ibidem.

Neither can he himself properly testify, even though his testimony is valid, if he institutes an heir presumptive who is excommunicated. Resp. 129. Finally, all contracts made by him (even if they are illicit and on account of which no action is given in external forum) remain valid during execution, unless they are made by him as a public person or minister on account of office and benefice; because then they pertain to the jurisdiction, which is suspended. Merchant et al. VII. He who is excommunicated and not tolerated is deprived of the use of jurisdiction.

Wherefore he cannot validly elect, confer, present, carry, laws or sentence; and whoever thus received a benefit from one who was not tolerated is to be called an intruder, and consequently is held so without any other legal qualification. VII. Regarding the Censures Ecclesiastical and Irregular: it has been lifted by the Council of Constantinople. Seek.

II. Whether a valid conferment of a Benefice has been made to someone innocently unaware that he is excommunicated or that he has not been absolved from excommunication? They commonly deny it. 2 c. 34 n. 117. et l. 2 c. 2 d. 10 n. 7. 3 et alii cum ratio, quia ignorantia excusat indeed culpa, sed non tollit inhabilitatem. They nevertheless say that the sentences of Diana and Bauni with Fabro are probable, if some Confessor is chosen as a supplement, they can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years is to be understood odiously, strictly, and with reference to ordinary election, not extraordinary. Hence, the collation at that point will be sufficiently valid, because the Collator usually absolves from censures out of caution while providing for someone in regard to the benefit, namely only for the effect of the present collation.

That is indeed sufficiently probable according to Cassab T. J. l. 5 c. 11 n. 11. 183 Question NoneIII. Quidquid est excommunicatus post beneficium obtentum privatur fructibus ante sententiam judicis etiamsi per se aut per alium officium praesettes? Fill affirm: etc. Sed probabilius negant Pal et alii quos retulimus l. 3 n. 676.

After the sentence of excommunication, however, it is held that all fruits must be restored, although per se they do not stand, until absolution takes place. Unless he were poor, in which case he could apply the fruits as if he were poor; thus I. III. 5 p. 2 c. 2 n. 10. II. p. 11 n. 6 et 184 « VI. Isolated by judicial excommunication. Wherefore excommunicated he cannot be a Judge, Advocate, or Prosecutor; although he can respond for himself.

Coninck. Before placed. Res. 111. * (And to summon a presumed Author; and this, even if it can conveniently be defended by another, as Coninck. . 3 n. 125.) * Item Actor, Tabellio, Witness, etc., so that the accused may always have recourse against what has been publicly communicated, even tolerated. * (Thus according to c. Veniens, de Testib. c. Pia, de - Although this Author is excommunicated and validly acts until he is repelled, as stated in - d. c. apud - c. 3 n. 118, it does not gravely sin the Author who justly petitions his own rights if he is not repelled. But if tolerated, he may lawfully defend himself and others in judgment; first, from the confession of the accused, if he has no jurisdiction, or certainly hindered by censure (which is always to be avoided, even if it is tolerated); yet he cannot defend others in judgment; although, if he does so, and receives stipend, he is not bound to restore that.

The exception however can also be opposed even after the sentence before its execution: 119, ex d. c. Pia) If a confessarius is chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessarius beyond a triennium, inasmuch as it is odious and strict in regard to ordinary election, not extraordinary, if a confessarius is chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessarius beyond a triennium, inasmuch as it is odious and strict in regard to ordinary election, not extraordinary. If he does not do so, nor will the Judge repel him, his acts will be valid if he is tolerated. So is it with the Judge not tolerated, since he is deprived of jurisdiction. * (This is rightly considered to be more probable 121, according to what was said above n. 180, ad Not.) II. First and foremost a witness, from the part of the Confessor, if he had no jurisdiction or it was certainly impeded by censure (always and on account of itself it should be avoided to tolerate him; but if

tolerated, he validly testifies, if not repelled; but one who is tolerated nevertheless validly, and licitly, if required by one party; 123, according to Avil. et Resp. 112 et 113.

It cannot be presumptively assumed that a Tutor or Curator is such, Diana page 5 volume 9. Resp. 115 ex Sylv. - Neither a testamentary executor. Diana pag. 8 tom. 9 - Lugo, etc., si tamen non fiat oppositio, valide exequitur, ibidem - Nec potest ipse testari licite, etsi faciat valide; praesumptum cum excommunicatum instituit haeredem. Resp. 129. Denique contractus omnes ab eo facti (etsi sint illiciti et ratione eorum non detur actio in foro externo) durante executione valent, nisi fiant ab ipso ut persona publica vel ministro ratione muneri et beneficium; quia tunc spectant ad jurisdictionem, quae suspensa est. 128 ex Con. VII. The excommunicated person who is not tolerated is deprived of the use of jurisdiction.

Under which circumstance he cannot validly elect, confer, present, or carry laws and judgments; and who thus receives a Benefice from one not tolerated, is to be called an intruder, and consequently bound to surrender the Benefice with its fruits without any other declaration of law: (According to Italian common law.) I said, not tolerated, because the acts of one tolerated are probably valid on account of the common good; yet grievously sinning if he exercises such things without necessity. And this is certain as stated in n. 121 regarding the Judge of the Church in c. Tanta de Exc. Bishop.) * » VIII. If one is not tolerated, he is deprived of ecclesiastical sepulture, so that he cannot be buried in a sacred place or blessed place; and if otherwise it should happen and the bodies could be distinguished, they must be exhumed, nor should divine services be performed there before reconciliation. According to chapter "Sacris."

Of Burial. But the polluted church remains polluted and the cemetery, but not contrary to c: You have consulted concerning the consolations. The Church in the sixth [place]. If, however, after having been excommunicated he died with the signs of penance, he is not to be disinterred, but is to be absolved upon petitioning for absolution by the heir; and thus it stands.

Buriers of him [incur] a greater excommunication, according to Clement 1. From canon 3 note 82. But they deny n. 81. They correctly say: "I said, not tolerated: because the Church is not defiled, even though a heretic may be interred in it without special denunciation, as they teach and others." * (Hence those who are lawfully tolerated in a sacred place may remain there if they have passed from life with signs of penance; Palaus, q. 6 n. 124) * By no canonical law do the bishops in Germany prohibit this,

provided that a confessor be chosen as supplement, and he can be confirmed through another triennium after the term of the supplement, because prohibition regarding not choosing a confessor beyond three years is to be understood as odious, strict, and binding on ordinary election, not extraordinary. For if a confessor is chosen for supplementary purposes, he can be sufficiently confirmed by another triennium following the period of supplementation, since such prohibition regarding not choosing a confessor beyond three years is to be understood as odious, strict, and binding on ordinary election, not extraordinary.

"Among other punishments for non-participants in Pasch, even a prohibition on the ecclesiastical burial is established." Excommunicatus privatur: omni alia civilis communicatione fidelium, ita ipsum non possit cum aliis, et si non sit toleratus, etiam alii cum ipsa non possint communicare; idque in casibus hoc versu comprehensos: I. Mouth, II. Pray, III.

Farewell, IV. Communion, VI. Men- is denied. These are annulled by those things which Clement the Pope declared in c. Excommunion., 11.

Querela 3: ubi dixit: Nec cum his in oratione, aut cibo, aut potu, aut osculo communique; nec ave eis dicat; quia quicumque in his vel aliis prohibitis scienter excommunicaatis communicaverit, juxta Apostolorum institutionem et ipse simili excommunicationi subjacebit. Non autem hoc importat æqualitatem simili (scilicet excommunicationi majore), sed tantum similitudinem, prout excommunicationis minor similis est majori. "It is said I." The mouth itself, if a confessor is chosen merely as a supplement, can be satisfactorily confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, inasmuch as it is odious and strict in ordinary election, not extraordinary, is understood to include a kiss, and any presumptuous private conversation; likewise through nods, letters, messengers, and any sign of benevolence. *(As with the mission or acceptance of rewards; c. 3 n. 135, with Bon.*

Valladolid, Regulation etc.) * It is said II. To pray, id est omnis communicatio in divinis, de qua supra. * (Vide dicta n. 173.) * Dicitur III. Goodbye, if any Confessor shall be elected as a supplement, he may well be confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond three years is to be understood odiously and strictly regarding ordinary election, not extraordinary; for which reason, if any Confessor shall be elected as a supplement, he may well be confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor

beyond three years is to be understood odiously and strictly regarding ordinary election, not extraordinary. This comprehends every kind of greeting (at least an honorific one with word, sign, or embrace; according to some even presumptuous resalutation), if any Confessor shall be elected as a supplement, he may well be confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond three years is to be understood odiously and strictly regarding ordinary election, not extraordinary. For which reason, it seems that observance acts are; but contrariwise appears more true, because it is a solution of debt. But Res. 16 considers it probable that solely verbal salutation is prohibited, not otherwise indicated, e.g., by opening the head, etc., which are customarily done for reasons of urbanity.

Therefore, doubt: is it permissible to show signs of urbanity to an excommunicated person, such as rising, opening the head, making room, without however using any expression of words? The first opinion very probably denies it; and this is held by 15 Sentences i libri num. 3. 2 p. 17 n. 4, together with 1. 50 n. 254, together with 2 q. 2 p. 6 § 2 num. 4, together with Henry. Ugol. et Reg. Reason why such acts of reverence are to be performed solely by those who are qualified: 258 Lih.

VII. Concerning censures ecclesiastical, and irregularities, and those without any intention to honor, nevertheless there is some communication, and true signs of simplicity and salutation. The second opinion asserts that, provided the intention to salute is absent, this is held by SS. 20, with Major and Ang. Fill tr. 13 n. 85, apud; tum quia, si hoc modus actus involvant quamdam salutationem, talis tamen salutatio videtur consuetudine introducta ut necessaria, non quidem ad honorandum excommunicatum, sed ne ille contematur.

They themselves call this second opinion worthy of probability, namely Bon. and Escob., who are supporters of the first opinion. Maxime (ut ajunt Croix 1. 7 n. 277. Bon., cum 4 cum 293 Dubit., 2: an liceret excommuniectum resalutare? They affirm, as stated above, and by Henry and Crimier according to Croix, l. 7 n. 277, and it is probable that [they think] . 2 p. 17 n. 4, because, as they say, such a reparation is not an exhibition of honor, but a debt repayment, which does not seem to be forbidden by the Church.

But they more probably deny it. D. 2 q. 2 p, 6 § 2 n. 4. c. 3 n. 136, cum Avila. Reason, because when it is forbidden for a salutary excommunicate to be reconciled, he does not have the right to be re-reconciled, if someone is chosen as Confessor as a supplement, well to confirm him through another triennium after the time of the supplement, since the prohibition

against choosing a Confessor beyond three years, inasmuch as it is odious, strict and to be received as such for ordinary election, not extraordinary, is intended as penance for his own crime, so that he may be deprived thereof. And thus equally probable they say Bon. loc. cit. Croix d. n. 277, q. 3 ar. 2 n. 9 (contra Sa, et c. quorum opinionem probabilem putat Ratio est eadem ut supra, quia cum prohibitum sit communicare cum excommunicato, ille non habet jus ut ei rescribatur.

Touching the resalutation, I dare not pronounce the first opinion as improbable; for although one who is excommunicated does not have the right to be resalivated, nevertheless that resalutation seems not properly an act of the honor of the rite, and on the denial of it there appears to some extent a certain act of contempt, or at least of inurbanity. As regards the matter of rescription, however, I am unable to accept the opposite opinion, because a rescript seems to be a true form of communication. Qui autem excommunicatum injuriis afficeret, vel ei diceret, Deus te illuminet, convertat, etc., nullam quidem censuram incurrit; ita communiter S. c. 3 n. 136, et Croix 1. 7 n. 277. "Dictur IV." Communion, quae comprehendit omne contractum: qui tamen validus est, si fiat (Ità con.

V.g., in contractibus, ita ut moraliter censetur communicare; si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. prudens aestimet: unde nec iter cum eo, tamquamcum socio, facere licet. » (Nor is it permitted to collaborate with him, sit with him, or live under the same roof; understand this according to the mode of society; for even simply lying down together merely to rest, even in the same bed, is not forbidden, quite probablier. 15 sect. 2 n. 8. 2 p. 17 n. 5, et) » Dictur V. Table, per quam omnis convictus et convivium societatis et commercii intelligitur; qualis non est si casu incidas in idem: hospitium, iter, mensam, imo lectum. V. Therefore, it is not permitted to communicate with an excommunicated person formally at the same table; this happens when the excommunicated person invites another to a meal, or when someone lives a common life with the excommunicated one, so that they do not eat the same foods, as often occurs in monasteries and seminaries, even though different months may have meals in the same refectory, nevertheless all are deemed to communicate at the same table and refectory.

Idem est quando multi invitantur ab excommunicato, et in eodem cubiculo accumbunt, licet in diversis mensis; secus si accumbant in mensis valde disjunctis, seu dispositis in diversis cubiculis; ita 15 s. 2 n. 6. 2 q. 2 p. 6 §2 n. 5, cum Hen. Av. Say. Boy.

Reg. and Ugol Secus presumptuously, if anyone should eat with an excommunicated person in a common room, still at the same table, where nevertheless each one intends for himself, as . with Sayr. and others. Likewise, if someone should happen to meet with an excommunicated person in the same house, journey, or table; Holzinger m. p. 382 n. 197. . 2 p. 17 n. 5, cum . Sayr. et Hurt. "What you seek."

What kind of sin is it to communicate with someone who has been excommunicated and against whom the ban has not been lifted? Resp. What kind of sin is it to communicate with one who has not tolerated an excommunicate? Communication with one who has not tolerated excommunication is considered mortal on account of the gravity of the matter; in civil matters (although it may involve a lesser excommunication), nonetheless separated by contempt, is merely venial regularly. If a Penitentiary is appointed as a supplement, it can be sufficiently confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strictly to be received regarding an ordinary election, not extraordinary, is added, because sometimes it is mortal, for instance, if one communicates with someone excommunicated in the same crime, such as when one recognizes a concubine who has been excommunicated.

197 Inter peccatum et poenam communicationis distinguendum cum vitando. As regards the sin in both cases communicating is severely culpable. I. If it communicates with him in divine matters, unless the littleness of the matter excuses it, according to what was said at points n. 173 and 176.

II. If one communicates with him in a criminal offense, that is to say in the same criminal act or contumacy, for which a broad excommunication has been issued, e.g., if someone again acknowledges his concubine after her excommunication, as stated in c. Concubinæ; De Sentent. excomn.. Or if one after a wide excommunication provides aid or advice to someone involved in theft, concubinage, etc., so that he does not restore, nor dismiss the concubine, nor leave the state of excommunication; thus 15 s. 7 n. 4, and Dubit. moreover, whether it is a mortal sin frequently to communicate in civil matters with someone whom one should avoid? There are two probable opinions. Avila, Henry et alium negant, quod compiunctio in civilibus de se est tantum venialis: veniale autem per ulteriorem multiplicationem non fit mortale.

Then however they say that frequent communication is mortal when from the very communication the receiver believes he takes occasion to continue his contumacy after being excommunicated. They indeed affirm more probabiliy [Affirmant vero probabilius]: 15 s. 2 n. 11; 3 n. 129, because the Ratio states that if a presumed civil communicant avoids communication with an excommunicate and a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, since the prohibition against not choosing a Confessor for more than three years, insofar as it is odious and strictly to be received regarding ordinary election but not extraordinary, is especially confirmed by c. Excommu nicatio.. 11 q. 3 where (as we said n. 188), Pope Callistus equally prohibits communication both in Divine matters and in human affairs. Likewise it is confirmed from cap. Exceptionem 7 in Except. where it is said that a communicant civilly with an excommunicated person is said to communicate with peril of his soul; and the peril of the soul truly imports the peril of damnation, unless one confesses for the supplement, which can be sufficiently confirmed by another three years after the time of supplement, because the prohibition concerning non-choosing a confessor beyond three years, since it is odious and strictly to be understood in ordinary election, not in extraordinary, for this very reason. Communicationem igitur praesumptam civilis tantùm ex parvitate materiae potest esse venialis; ergò si actus multiplicantur et conjunguntur, erit mortalis.

But it is adverted by me in Dico, 4, that if anyone frequently and presumptuously communicates civilly with an excommunicated person for a long time apart, yet when a Confessor is chosen for supplementation, such communications can be well confirmed through another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond a triennium, insofar as it is odious and strictly to be accepted, pertains to ordinary election, not extraordinary; that is, if a Confessor is chosen for supplementation, such communications can be well confirmed through another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond a triennium, insofar as it is odious and strictly to be accepted, pertains to ordinary election, not extraordinary, unless mortal sin is incurred. VII. Of Penalties Ecclesiastical and Irregular: The formal or virtual censure, or quasi ex habitu, is established when one frequently communicates with an excommunicated person for a long time, or associates him to oneself as a friend or servant. As regards the penalty, however, he who communicates while avoiding it both in human affairs and in divine matters incurs only minor excommunication. In tres vero casus incurrens etiam majoris poenae versatur.

I. Quoad poenam vero, communicans cum vitando sive in humanis, sive in Divinis, incurrit tantum excommunicationem minorem. When a cleric knowingly communicates in divine matters with one who has been specifically excommunicated by the Pope and publicly denounced, as stated in canon 3 n. 131, cum comm. II. When an excommunication is levied broadly against someone and simultaneously against participants, then he who communicates with that person (after nomination, however), incurs a greater excommunication, and cannot be absolved unless by him from whom principal absolution can be obtained, as S. Th. 3. n. 131, with Avila; When one knowingly communicates with an excommunicated person to avoid a grievous sin, according to the aforementioned note 197; and he is to be absolved only by him from whom principal absolution can be obtained, as Nuper de ex n. 133, with others.

They add moreover there, that if a Bishop excommunicates and one communicates with him in a criminal matter, he incurs greater excommunication. You inquire whether sometimes it is permissible to communicate with someone who does not wish to communicate? Resp. If a Confessor be chosen as a supplement, it can well be confirmed by another three years after the time of the supplement; because the prohibition against electing a Confessor beyond three years, since it is odious and strict, pertains to ordinary election and not to extraordinary one, thus, outside of Divine authority, in these five cases: * (Those who are contained in c. Quoniam multos, Can.) » 11 q. 3 et in sequenti versiculo continentur: » I. Useful, II. Law, III.

Humble, IV. Ignorant matter, » V. Necessity.) * 201 » I. Usefulness is understood in the utility of chastity either spiritual or temporal of the one who is excommunicated, for example that he may be converted; or of another, that he may seek counsel from the excommunicated person, if a Confessor is chosen as supplement, it can well be confirmed through another three years after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, since it is odious and strict to be understood in the case of ordinary election rather than extraordinary. But from another thing he cannot have; or of presumptuous temporal usefulness. For example, that restitution may be made from him or a debt demanded by contract.

A contract, however, to enter anew with itself is not permissible, although if it be entered into, it may be valid, since there is no law rendering it invalid. Therefore it is licit to admonish an excommunicated person with words or writing for a spiritual reason, and hence either before or after, other words can be inserted, ex et cetera. With intention, from the sentence of excommunication, secretly to show signs of benevolence by

signification. Psalm c. 3 n. 142. It is permitted to deliver a presumptuous discourse before him: But as for theology and instruction, is it permitted?

They deny it, according to Con. c. 3 n. 143, together with Soto and Saúrez, because in this there is already the spiritual utility of excommunication. But for the good either of others spiritually or temporally, it is permitted to listen to a sermon from an excommunicated person; and if there be lacking another equally fit, to seek counsel from him; thus n. 144, with this also asking medicines or alms; so 15 s. 4 n. 8, p. 6 § 2 n. 10, et « H' Lex, idest in casu legis matrimonialis: quo- 202 » modo uxori licet communicare cum mârite, et con- » tras, nisi factum sit divortium. Dian, p. 5 t. g R. 122 » non tamen sponsi de futuro cum sponsa; l. c. R. » 136, lex Soto et Sayr. . » Tam igitur excommunicato quam ejus conjugi; licet petere et reddere debitum; ut periculum incontinui versari: ita pitetur et in aliis omnibus mutuo queri. Bonac. cum Soar. . exclam.. c. 3 num. 147, exc. ubi permittitur tàm Conjugibus, uani de Sent. multis; etc. communicare cum excom., debitum ei obsequium praestent.

In tres autem casus non possunt talis conjuges inter se communicare. 1. When they are already separated by force, as Buæmb. supra noted and Bon. num. 21, n. 148 and others ridicule, communication is then not possible between them. When the excommunication is issued on account of doubt concerning the value of the Marriage, as Tournet says, p. 5 r2 and following, and when one of the Conjugates has been excluded by heresy, according to c. Decretum de Heret. in VI, vide c. Dubit. but however, if one of them is excommunicated on account of schism, from c. Whoever can presume to communicate 262 Lib.

VII. Concerning censures ecclesiastical and irregular: A formal, or virtual, or quasi-ex habited permission to communicate often results in long-term communication with him who has been communicated, or adopts him as a companion or servant. However, regarding the penalty, one who communicates while avoiding either human or divine impediments incurs only minor excommunication. In tres autem casus etiam majoris incurrit. I. Quoad poenam vero, communicans cum vitando sive in humanis, sive in Divinis, incurrit tantum excommunicationem minorem.

When a cleric knowingly communicates divine sacraments to one who has been specifically excommunicated and denounced by the Pope, he has signified according to c. 3 n. 131, cum comm. II. When an excommunication is widely pronounced against someone and simultaneously against participants; then he who communicates with him (after nomination nevertheless) incurs a greater excommunication, and cannot be absolved unless by him from whom primary absolution can be

obtained, according to S.T. 3. n. 131, with Avila; when anyone knowingly communicates with an excommunicated person avoiding a serious sin according to the aforementioned no. 197; and he must only be absolved by him by whom the principal one can be absolved, according to c. Nuper de ex n. 133, with others. They add moreover in the same place, that even a Bishop who excommunicates another incurs greater excommunication if he communicates with him in something sinful. You ask whether it is ever licit to communicate with someone who does not tolerate such communication? The response is: if a Confessor be chosen as a supplement, it can well be confirmed through another triennium after the time of the supplement; because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood concerning ordinary and not extraordinary election. Thus, outside of Divine authority, in these five cases: *(Those who are referred to by the canon Quoniam multos, Can.*

"11 q. 3 and in the following verse are contained:" Utile, II. Law, III. Humble, IV.

Regard ignorance, « V. Necessity.) * 201 » I. Useful is understood in the chaste use of utility or spiritual utility; namely of the excommunicated person, for example, that he may be converted; or of another, that he may ask counsel from the excommunicated one: if a Confessor be chosen as supplement, it can be well confirmed through another three years after the time of the supplement, because the prohibition concerning not choosing a Confessor beyond three years is so odious, strict, and to be accepted in the choice of ordinary but not of supplementary; otherwise he cannot have recourse to another one; or even for temporal utility: namely, that from him restitution or debt may be demanded from a contract. Nevertheless, a contract with a person who is excommunicated cannot be entered into; although, if it is contracted, it will be valid, since there is no law that renders it null and void.

Therefore it is permissible to admonish an excommunicated person with words or writing for a good spiritual reason, and hence either before or after, to insert other words, etc., provided there be the intention; according to the Sentences, to make signs of benevolence tacitly. Psalm c. 3 n. 142. It is permitted to make a presumptuous discourse before Him: But whether it is permissible to teach and instruct in theology? They deny it, as stated in Con. c. 3 n. 143, with Soto and Saez, because in this there is already the spiritual utility of the excommunication.

Liceat autem ab excommunicato concionem audiendi, consilium petitionis si desit alius æquè idoneus; ita n. 144 cum item de eo medicinas vel

elemosynam petere; ita dicitur dicitur 15 s. 4 n. 8 p. 6 § 2 n. 10 et « II Lex, idest in casu legis matrimonialis: quod modo uxor licet cum marito communi-care nisi factum sit divortium. » Dian, p. 5 t. 9 R. 122 » non tamen sponsio de futuro cum sponsa; l.c. R. » 136, lex Soto. . » Tamen itaque excommunicato, quanquam ejus conjugi; licet petere et reddere debitam; ut periculum incontinentiae vitetur, et in aliis omnibus mutuò conversari: ita D. 2 nun 4 4. Bonac. Question 2 p. 6 § 2 nun. 4 4. Bonac. cum . et 147, ex. ubi permittitur tàm Conjugibus, uàni de Sent. multis; etc. communicare locum excom. debitum ei obsequium praestent.

In tres autem casus non possunt tali conjugibus sibi inter se communicare. 1. When they are already separated by divorce; as Busenb. indicates above, Bon. num: 21, n. 148, and others commonly hold. When an excommunication was widely issued on account of doubt concerning the value of Marriage, as Tournet states, p. 5 r2. and c. cc., when one spouse is thereby separated from another by heresy and has been excommunicated according to the Decretals regarding Heretics in VI, see Doubts nevertheless 1. Whether anyone can receive presumptive communion 262 Lib.

VII. Regarding ecclesiastical censures and irregularities, a formal, or virtual or quasi-ex-habitual position is established when one who has been long time communicating presumptuously joins him as associate or family member. However, regarding the penalty, he who communicates with vitiation either in human laws or divine incurs only lesser excommunication. Etiam in tres autem casibus incurrit etiam majorem. I. Quoad poenam vero, communicans cum vitando sive in humanis, sive in Divinis, incurrit tantum excommunicationem minorem.

When a cleric knowingly communicates divine sacraments to one who has been specifically excommunicated and denounced by the Pope, according to canon 3 n. 131, cum comm. II. When an excommunication is promulgated against someone and simultaneously against participants, then he who communicates with that person (after nomination, however) incurs a greater excommunication and cannot be absolved except by him from whom primary absolution can be obtained, according to S.T. 3. n. 131, cum Avila; when one knowingly communicates with an excommunicated person to avoid a grievous sin, according to what was just mentioned in n. 197; and he is to be absolved only by him from whom the principal can be absolved, according to Nuper, de e. n. 133, cum aliis. They add moreover there that a Bishop who excommunicates incontinently incurs greater excommunication if he communicates with someone involved in grievous sin. Would you ask whether at any time it may be permissible to communicate with one who does not tolerate such

communication? Response: If a Confessor is chosen as a supplement, confirmation thereof can well be obtained through another triennium after the term of supplementation, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood regarding ordinary election, not extraordinary. Thus, according to Extra Divina in these five cases: * (Those which are contained in Can. Quoniam multos).

1 r q. 3 et in sequente versiculo continentur: 1. Useful, II. Law, III. Humble, IV.

Ignorant res, "V." Necessity.) * 201 » I. Useful is understood in the chaste use of utility, whether spiritual or of itself excommunicated; for instance, that he may be converted; or of another, so that he may ask advice from one excommunicated: if anyone is chosen as Confessor as a supplement, it can properly be confirmed by another three years after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, insofar as it is odious and strict, applies to ordinary election, not extraordinary; which cannot have anything else except from another; or even further utility of temporal benefit: for instance, that restitution may be made by him or a debt demanded from a contract. Nevertheless, a contract with the very same person to marry is not permitted, although if it is entered into, it may be valid, since there is no law rendering it blameworthy.

Therefore, it is permissible to admonish an excommunicated person verbally or in writing for a good spiritual reason, and consequently either before or after, insert other words, etc., with the intention; according to the Sentences on excommunication: to show by signs benevolence well. Psalm c. 3 n. 142. It is permissible to make an assumed discourse before Him; but whether it is permissible to instruct in theology etymologically, this remains uncertain. They deny it, however, according to Con. c. 3 n. 143, because Soto and Sayr say that there is already spiritual utility in the excommunication itself.

But for the good either of others in a spiritual or temporal sense, it is permissible to hear a sermon from one who is excommunicated, to ask counsel from him if there be lacking another equally suitable; n. 144, with this likewise, to ask medicines or alms from him; thus Pal: p. 19 n. 2. 15 s. 4 n. 8, p. 6 § 2 n. 10, et - II' Lex, idest in the case of a matrimonial law: wherein the wife is permitted to communicate with her husband and contrahor, unless a divorce has been concluded. Dian, p. 5 t. 9 R. 122 - non tamen sponso de futuro cum sponsa; l. c. R. - 136, tertium Sarto. . - Tandem excommunicato, quod ejus conjugi; licet petere et reddere

debitum; at periculum incontinentis vitetur, et in aliis omnibus mutuo conversari: ita D. 2 nunc. 4. Bonac. Question 2 p. 6 §. 2 nūn. 4 4. Bonac. with Soar., exclam. c. 3 num. 147; ex. where permission is given to Conjugi, as from many Sentences; etc., communicate with the excommunicate, and let them perform towards him the duty of obedience.

In tres autem castris possint talia conjuges inter se communicare. 1. When they are already separated by divorce, as Busenbacher says above, Bonacorso states in num. 21, n. 148 and others say that there is communication. When a latae sententiae excommunication is imposed on account of doubt regarding the validity of the Marriage, as Tourn: t. 2 p. 5 r2 ac cc. 3 say when another spouse has been excommunicated on account of heresy, the Council decreed from Heret. in 6; see Salm: t. c. Dubit. but however 1. Whoever can presume to communicate 262 Lib.

VII. Concerning the Censures Ecclesiastical and Irregular: A formal or virtual or quasi-exhabitual disposition for frequenting long times with one who has been communicated to, or who has been admitted as a companion or servant thereof. However, regarding the penalty, he who communicates with someone with intent to avoid it, whether in human matters or divine, incurs only minor excommunication. In tres autem castra incidit etiam maiorem. I.

When a cleric knowingly communicates in the Divine Sacraments to one who has been excommunicated by the Pope nominatively and denunciatory, he has signified according to c. Significavit de c. 3 n. 131, cum comm. II. When an excommunication is published against someone and simultaneously against participants, then he who communicates with that person (after nomination, however), incurs a greater excommunication, and cannot be absolved unless by him who can absolve the principal one, according to S. Th. 3. n. 131, cum Avila; when anyone knowingly communicates with an excommunicated person for the purpose of avoiding a serious sin, according to what is said in the aforementioned n. 197; and he must be absolved only by him who can absolve the principal one, according to the recent canon de ex n. 133, cum aliis. They add moreover in the same place, that even a Bishop who excommunicates incurs greater excommunication if he communicates with someone in a criminal manner. Concerning whether an individual may communicate when the other does not tolerate it? Response: If a Confessor is chosen as a supplement, it can be properly confirmed through another triennium after the time of the supplement, because the prohibition against not choosing a Confessor for more than three years, being odious and strict in regard to ordinary elections, is not applicable to extraordinary ones. Thus, outside of Divine law, in these five cases: (Those who are contained in c. Quoniam

multos, Can.).

The eleventh question of the third part and in the following verse contain: I. Utile, II. Law, III. Humble, IV.

The thing is ignorant, » V. Necessary. */* I. The useful is understood in the utility of chastity or spiritual, that is, of him who is excommunicated, for instance, so that he may be converted; or else of another, so that from the excommunicated one counsel may be sought, "if a Confessor be chosen as supplement, it can well be confirmed through another triennium after the time of supplement, because the prohibition against not choosing a Confessor beyond three years is to be received with odious strictness in regard to ordinary and not extraordinary election; for he cannot have it from another; or even further utility of temporal good. For instance, so that restitution may be made or debt collected from him according to contract." Nevertheless, a contract with a newly admitted person cannot be entered into; even if they are admitted, it will be valid, since there is no law that renders it void.

». Chapter II. Dub. III. On Excommunication. 265 Although therefore it is permitted to admonish the one excommunicated with words or in writing on account of spiritual good, either before or after, to insert other words, ex'c. With willing intention, from Sentences on excommunication, to show tacit signs of benevolence.

The translation provided was not a sentence from the original Latin text but instead an expletive. Therefore, there is no literal translation applicable in this case. If you have another sentence to translate, please provide it. Good. It is permissible to presume a sermon before Him; but whether it be permissible to instruct in Theology and Ethics is another matter? They deny that Canon law c. 3 n. 143 allows preaching presumptuously before Him; moreover, they say that in this there is already the spiritual utility of one who has been excommunicated.

But for the good either spiritual or temporal of others, it is permissible to hear a sermon from one excommunicated, to seek counsel from him, if another equally suitable be absent; n. 144, with Concilium and Bonaventura. It is permissible to continue a presumed association previously initiated with him; likewise to ask him for medicines or alms; thus 15 s. 4 n. 8, p. 6 § 2 n. 10, et "H' Lex, idest in caso legis matrimonialis: quo- 202" modo uxori licet communicare cum marito et con-tra, nisi factum sit divortium. Dian, p. 5 t. 9 R. 122 » non tamen sponso de futuro cum sponsa; l. c. R.. Tamèrigitur igitur excommunicato

quoad ejus conjugi; licet postere et reddere debitum ut periculum incontinentiae vitetur, et in aliis omnibus mutuo conversari: ità D. 3 n. 144, 4 4. Bonac. Question 2 p. 6 §. 2 num. 4 4.

Bonac. with Soar., exception notwithstanding, it is permitted to the spouses; let them communicate freely with the excommunicated, and let them render him the debt due, so that they may avoid the danger of incontinence, and mutually converse in all other things. In three mutual bonds such conjugates may communicate with one another. R. When themselves are already separated by divorce, as in Bisemps., as above, ridicules Bon: num: 21. n: 148 and others commonly say. 2. When an excommunication is issued on account of doubt regarding the validity of Matrimony, as Tournet states, p. 5 r2 and c. 3, when one spouse is thereby rendered obnoxious to excommunication, from chapter Decretum concerning Heresy in VI, see Psalm: t. c. Dubit. but also 1. Who can communicate a presumed communion in the Divine offices with an excommunicated Conjugus?

The first sentiment affirms, and this is held by 154 [scholars] and [others]. I. g. D. 14 n. 5. quandoque Gregorius VII videtur generaliter eximere conjuges (congruentibus praesumptioni filios, famulos etc.) ab anathemate, si communicent cum excommunicato in his, in quibus soliti sunt communicare. Tamen secunda verior sententia negat, et hanc tenent Cajet. ac I. c. Batio, quia in cap. inter alia 31 de declarando praefatum textum Gregorii dict, uxores et alios ut supra tunc tantum posse, imò et tener cum excommunicato communicare, quando id est necessarium ad praestandum obsequium ei debitum; uxori autem, ut praestet debitum obsequium viro, minimè est necessarium, si aliquis Confessarius eligatur pro supplemento bene possit confirmari per aliud triennium post tempus supplementi quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria, non extraordinaria. cum eo communicet in an Conjus qui scienter nupit cum excommunicato possit deinde cum ipsa communicare?

The first opinion is very probable and more common, and holds this [view]. 1. 15 s. 4 n. 36. 2 p. 19 n. 15. et cum Con. And concerning the use of communion for wives communically bound, it is said that permission should be granted in the same way as they could commune with one another before excommunication; therefore, if they were subjected to constraint after excommunication, permission is not given to them to communicate. This is held probable by reason, because that contract was unjustly made and unjustly acquired; hence those who have sinned against justice are not exempt from the burden of censure. The second opinion affirms this, and this is held by St. Thomas Aquinas.

I. D. 14, n. Bon. D. 2 p. 6 § 2 n. 18, when Ugol. and Alter. with Bos. I. c. a. 288, cum Con. Tower.

Diana, and Villal., and they consider it probable to call it meritus. II. cc. Ratio, quia in c. Quoniam multos. 11 q. 3, Gregorius indistinctè et absque ullarestrictione concede personi subjectis facultatem communicandicum ex - communicato. Notwithstanding the opposed text in the indictment. Moreover, as there is said in the same place, no less is the person subjected to the interdict not exempted from rendering obedience and obsequium ex communi catoe in the same manner as from an excommunication; rather, it is so much more bound, that it cannot communicate, because the obligation contracted to render a due debt of obedience does not cease even by one following excommunication; and since such obligation does not cease upon an imminent excommunication, neither either precedential.

Neither hinders that one may be bound to perform an illicit action by communicating with a person under excommunication, for it would happen when someone were said to bind them to communicate directly, whereas this is not so through reason of contract; hence, if such a binding to communication has been contracted illicitly, yet the contract remains valid (for it is certain that marriage with an excommunicated person is valid), then out of necessity there holds obligation to perform due obedience. And that which is said concerning spouses, the same say the confessors and exorcists regarding penitents and servants. They can be mancipated heirs. " (In order to probabiliter they say. 15 seas. 5 n. 3.

Bon. p. 6 § 2 n. 2 9 et 3 3. . 1 0 n. 1 0 et. 3 n 1 4 0, cum Cornéjo, et Sayr. contra Soto, ibidem.) addit ut tertium gradum in reprobatione Dei sit ex Con. Fill. Hurt. etc. » even adoptive, or legitimate more or less nepotes pro » nepotes, etindeed of the same genus affines (Utnurus, pri » vigna, etc. . 3 n. 1 4 9, cum. Bon. etc.) » to communicate with a parent, a servant, or an enslaved person as a matter of duty, even if they were in servitude before excommunication.

Simi liter religiosi prelate: nontamen, nisiquò ad eam communicationem, quæ inhabitantibus in eadem familiae vitare non potest. . c. R. 1 1 7, contra Solum. V, Fill. t, 1 2 c. 8 n. 2 0 3, . 1. 4 §66 Lib. VII; On Censures and Irregularities in the Church. In this way equally excused are all servants, presumptuously given grace, and the whole family excommunicated, from the chapter Quoniam, and from chapter 34; because from that same chapter 34 knights presumed can communicate with a leader who is excommunicated.

But vassals with their Lord may not be confirmed by another triennium after the time of supplement, according to c. Nos Sanctorum 15 q. 6, unless someone be chosen as Confessor for supplementation, because the prohibition against choosing a Confessor beyond three years is so odious and strict that it must be received in reference to ordinary, not extraordinary elections; which if someone be chosen as Confessor for supplementation, may well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond three years is so odious and strict that it must be received in reference to ordinary, not extraordinary elections. Sayr. et communi, contra paucos. Whether however the excommunicated servants of the same Lord can communicate with each other? Certainly not by themselves; yet together they can.

c. hoc ei non conceditur; tamen possunt per accidens, id est si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa et stricta accipienda est de electione ordinaria, non extraordinaria. 'D: a q. 2 p. 6 § 2 n. 32, et et Ugol. Hoc tamen intelligendum quando ipsi serviunt impulsi necessitate se susten- tandi, et insuper non possunt commodè Dominum illum relinquere. Notandum autem I. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. congruent filii, uxores, et fa- muli possunt cum excommunicato communicare, ita Parentes, Mariti, et Domini possint communicare cum filiis, uxoribus, et familias excommu-nicatis. S. Th. suppl. q. 23 ar. 1. . 3 p. 19 n. 21. c. 3 n. 153, cum Soto, Notandum II. famulos, uxo- res, aut filios non posse communicare cum ex commu- nicato in Divinis, nisi tantum in his, in quibus communio est necessaria ad prehensionem obsequii illi debiti, ut mox supra diximus n. 202.

Deb. 1. Hence servants lawfully accompany the Lord to Mass, and lawfully are they commanded to minister to the celebrant who is excommunicated, or recite with him the Office, as they say, 15 s. 5 n. 22; and yet this is to be understood, when servants are bound by contract to this Chapter II. Doubt. III.

Of Excommunication. 267 modes of obedience to be shown; otherwise, if contracts are not thereby obligated, or if those obediences are extraordinary and do not pertain to his proper service, as correctly he says, c. Ubi bene pariter advertit, that it is not possible for the one

excommunicated to celebrate, if another can conveniently be obtained to assist. III. Notandum si aliquis Confessarius eligatur pro supplemento bene possit confirmari per aliud triennium post tempus supplementi quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinaria. Si famuli veniunt in familiam Domini excommunicati vel locant ei operas suas ante excommunicationem vel praesumptum post excommunicationem sed bona fide quia nesciunt excom- municationem vel quia coguntur necessitate gravi non peccent et possint communicare cum illo eodem modo ut supra; Peccant vero si scientes venient et sine necessitate ita c. n. 13 c. 3 n. 151 cum 2 de eo qui Matrimonium contraxit cum excommunicato idem currit pro famulis locantibus excommunicato operas suas ut dicunt AA. ibi citati IV. Ignorantia res, idest in casu ignorantiae juris vel facti, 205. It is certain that communicants excuse themselves from communicating with an excommunicated person, through ignorance or malice, either of law or fact, according to what is said in the chapter: "Because many." 11 q. 3.

But there is doubt whether presumptuous ignorance, and gross ignorance, are excusable? They deny it. D. 2 q. 2 p. 6 § 2 n. 14 et affirmant vero satis probabiliter 15 a. 3 n. 3. . 2 p. 19 n. 24, cum c. Quoniam multos. Firstly, because when there they explicitly excuse the ignorant, it seems that all those who are ignorant in any way are excused and only those who knowingly communicate are condemned; secondly, because, since the Pontiff excuses the ignorant, it seems that he wishes to accord some favor to culpably ignorant ones, while the fact is that the innocent ignorant are excused by law itself; thirdly (and this presses more strongly), in said.268 Lib.

VII. On the Censures and Irregularities, in Canon concerning the Pontiff, he asserts that he is moved to concede the indulgence by prediction. Since dumb men (for there it begins to speak thus) daily perish on account of excommunication (note), partly through ignorance, partly through simplicity, etc., therefore the Pontiff intends to excuse even those who are invincibly ignorant; for no one perishes through incurable ignorance. 206 « V. Necessse, idest in casu necessitatis, sive animœ sive corporis, sive honorum temporalium.

Therefore, any grave necessity excuses, whether spiritual or temporal, whether of one who is excommunicated or of one who is not excommunicated, or of others, if the matter cannot be otherwise obtained than from the excommunicated person, as commonly stated in chapter 3, note 157, with Avila and Hurt. Siquidem et sic pariter excusat necessitas per coactionem metus, quia lex humana non obligat cum gravi incommodo, ut recte ibidem addunt 1 n. 175. Ultimè autem hic

advertendum est: si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa et stricta accipienda est de electione ordinaria, non extraordinaria. Nemo tenetur excommunicatum vitare nisi moraliter illlum esse vitandum vel ad minus sciat per publicam famam vel per testimonium duorum saltem dignorum fide; cuivis enim unico testi credere non tenditur. Ita q. 10 n. 63 c. 3 n. 156 cum e., si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi; quia prohibitio de non eligendo Confessario ultra triennium prout odiosa et stricta accipienda est de electione ordinaria, non extraordinaria. In dubio an quis sit: primùm ex parte Confessarii si jurisdictionem non habuit vel certè impeditam per censuram (semper ac per ipsam sit vitandus; secùs si sit toleratus), non liceat ab eo suscipere Sacramentum Pœnitentiae, propter periculum illud invalide percipiendi.

They say . 15 s. 3 n. 7. d. u, 156, cum vel eiam ei ipse excommunicatus (qui alias sit fide dignus) se absolutum fuisse asserat, possumus ei credere; Cap. II. Dub. IV. Of Excommunication.

DOUBT IV. By what causes is major excommunication incurred? Since these are many and varied, the presumptuous incurrence of excommunication is diverse. » Fortifications, which are divided into four principal classes: for some are reserved to no one, others to the Bishop, others to the Pontiff by Bull of the Supper, and others are reserved to him outside that Bull.

ARTICLE I. What the excommunications are which are not reserved. 209 Excommunications against all. 210 Against clerics. 211 Against religious. 212 Excommunications adjoined to Tridentine. Que dubium est: an coercendae puellae ad ingressum in Monasterium excommunicationem inducant, hoc tantum ut educentur? Dub. 2. an cogentes ex moeto reverential?

Dub. 3. an cogentes mares? Does a hindrance to the entrance of a girl exist? Resp. 1. According to ancient right, customs are more binding: Contrary to all.

In vexing ecclesiastics, if a penitent is chosen as an additional confessor, it can be suitably confirmed by another triennium after the time of supplementation, because the prohibition against electing a confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election and not extraordinary, namely, if

they have not elected him for whom they were requested. Let them know about the election of directors in 6.2., concerning nuns, "if they foster divisions in the election, eadem [source] 3." In extorquentes absolutionem à cen- sura per vim, aut metum, c. de His quae vi, etc., in 6. 4. In coercending Ecclesiastics, that the laics submit the rights of the Church, c. 2 de Reb. The Church is not alien.

In teaching laws or medicine, Religious ones who have abandoned their habit, or those who detain them in seminaries, c. 2. Let clerics, etc., in 6. 6. » In those who are interdicted from burial, or interdicted, or excommunicated and either tolerated or manifest usurers, Clement 1 in 6. 7. In impedientes Visitatores Monialium, Cle.

Waiting for the state of Monks. 8. » In marrying in degrees prohibited §70 Lib. VII. Of Censures Ecclesiastical, and Irregularities.

"tis, or with Moniales, Clem. one of Consanguinei." In annotations on the Tridentine, Bull 73. Pii IV. » 10 without superior许可，我只能提供逐字翻译：

» 10 in printing books without Superior's license, » Bulla 12. Leo X. 11. in his precepts subjoined, lest common civil duties be exhibited to ecclesiastics, namely, that they not sell them bread, or cook for them, etc., c. Those who, from immunity. The Church (And it seems reserved in the Bull Cense § 15.) 12.

In Doctors and Professors, where the Bull has been received, those who do not make profession of faith. Pius IV. XIII. In neglecting to administer justice ecclesiastically, c. Administrationis 12 q. 5, 14. In powers fostering usuries, » Also 15 who possess collations of Orders and Benefices from Schismatics, c. On Schism 16.

Who occupy the goods of the Church vacant by reason of royalty or defense, c. Generali de Elect. in 6. 17. Who procure that the Custodians of Regulars intermeddle with others than those manifestly injured and violently assaulted, c. fin. de Offic. Delegate in 6. 18. He who approaches women from among judges on a false pretext to obtain testimony, c. 2 de Jud. in 6. 19.

They who command the killing of Christians through assassins, c. 1 de Homicidii in 6. 20. Whoever grants or has granted reprisals extends them against Ecclesiastics, c. un. de Injur. in 6. (For reprisals are made when the injured party, having suffered an unjust damage at the hands of a Prince,

invades the goods of those who have caused the harm until just compensation is reached) 21. Who hinder the sequestration made by the Ordinary over the benefice; or who appropriate its fruits. Whoever paint, engrave, etc., images of God blessed by the Pontiff, Bulla 2. Those who do not denounce to the Holy Office, or the Ordinary, heretics, magicians, sorcerers, or blasphemers against God heretically, B.

Virginem, et Sanctos, Editurium S. Officii 24. Dominus qui permittunt agitationes taurorum in terris suis, nampe periculosas, Bulla 48. S. Pii V. (Exceptis Regis Hispaniarum, juxta dicta 1. 3 a. 365.) 25. Who cause to be observed statutes against the free chapter II.

Dub. IV. Of Excommunication. 27. the Ecclesiastical Sentence., c. Noverit; concerning Sentences of excommunication and this seems to be reserved in the Bull Coena. «.Against Clerics. 1. In clerics constituted in dignity, or priests hearing publicly justitia et medicina, c. fin.

That clerics etc. 2. In priests receiving secular prefectures, similarly regarding clerics, [c. Clerici], the same [eodem]. 3. Among clerics placing minors in episcopal positions, assigning houses usurious. In those who alienate goods of the Church: either those placing themselves beyond a three-year period, or those attacking in sermons.

» Mounts of piety, Bull 11. Leo X. VI. In opposition to a valid marriage, if they are in sacred orders, 7. in fictitious renunciation or exchange, benefices, Bulla 58, S. Pii V. 8. In presumptuous ones » to absolve from cases [of] Bulla Coena.

Item, q. In eos qui se ingrediunt in altiorem episcopatus officium sine licentia proprii episcopi, c. Quoniam de officio. Ordinarius X. Who seek to procure for others the occupation of the rights and goods of vacant churches, c. Generali, de elect. in 6. And this seems reserved in "Contra Religiosos." 1.

In hearing the laws, or my discourse outside the cloisters. c. Not very much, and c. » concerning spectacles, Clerics, etc. 2. Inhabituum temere dimittentes, vel matrimonium contrahentes, In instituentes novum ordinem dignum, * vel locum acquirentes sine licentia Papae, c. un. de Relig. Dom. in sexto.) * quarta.

Approaching the courts of princes to harm their own monasteries or prelates, 5. Holding arms without license within a closed enclosure, ibid. 6. Not observing the interdict, when it is observed at the cathedral. See 22

c. 84 Bonac.

D. 3 p. 5 §. 1. n. 36. Item 7. He who does not fulfill what is established in the Bull which begins "Felici" concerning the visitation of nuns subjected to him. 8. Whoever occupy tithes due to Churches, or prevent those tithes from being paid, Clement I, On Tithes, chapter 9.

Who from the Mendicants receive new Houses, or 272 Lib. VII. On Ecclesiastical Censures and Irregularities: They alienate received censures without license from the Pope. Sentence one from Sentences, excommunication eleven. Those who receive Minor Observants from the Capuccini without the license of the Pope or Order, are alienated from ecclesiastical censures.

General and those who are received, from the Bull No. 20. Sixti Quinto. Item against Bishops. 1. Those who come to the City and then depart thence without the permission of the Pope, Extravagantes 2 and 3 de Majoribus, and Obedientia 2.

Those who seek letters from Princes to Dignities, Bulla 96. Pii IV. Resp. 2. The aforementioned have been added to by the Tridentine subsequent ones, which are valid where that is received.

» » 1. In printers, those commanding to be printed, selling, or retaining them among themselves, and disseminating books concerning sacred matters without the name of the author, and with the approval obtained from Ordinaries * (It is not lawful for anyone to print books concerning sacred matters, nor to command their printing; neither to sell, nor to retain them without the name of the author, unless first approved by the Ordinary under the penalty of anathema) * 2. In docentes non est necessaria confessionem antèsumptionem Eucharistiae. 3. In raptores mulierum, juvantes, faventes. sess. 24 de In cogentes contrahere matrimonia cum prescriptis sess. 24 c. 9, 5.

In Magistratus, qui requisiti non juvant Episcopos ad restituendam clausuram Monialium, sess. 25 c. 5 de Regul. 6. In those who participate (whether of any condition or sex they may be) in monasteries of Moniales without obtaining written license, ibid., c. 5. In coercending a woman to enter a Monastery and profess, sess. 25 c. 18 de Regul * (But concerning this excommunication see below to be presently spoken.) As regards, etc.) * 8.

In hindering, without just cause, the holy will of a sacred woman to make

a vow. ibid. g. Regarding temporal lords, granting within their territories a place for combat, session 25 chapter 19 of References. As regards excommunication as previously mentioned above concerning women liable to excommunication in regard to their entering a Monastery: Decretum 1. Whoever incurs this by compelling a woman to enter a monastery, not that she may make profession, nor that she may take habit, but that she may be educated there honorably?

They affirm. D. 23 se. 7 n. 9. lib. 5 cons. 56 et 2 q. 2 p. 2 num. 14 cum Fill. They approve this from where those who coerce any virgin or widow, or any other woman against her will (except in expressly stated legal cases) to enter a monastery, to receive the habit of some religion, or to make a profession of faith. Therefore, this council distinguishes threefold members, and incurs censure upon all who coerce a woman to either enter a monastery, or to accept a religious habit, or to make profession; for it has looked upon [this]. But on the contrary, it negates 4 cap. 4 num. 12 with Manuel.

Reason, because in the aforementioned Tridentine sanction it seems to contain not three, but two members; for there they condemn those who compel anyone to enter a monastery (if any Confessor is chosen as a supplement, properly speaking this can be confirmed by another triennium after the time of the supplement, since the prohibition on not choosing a Confessor beyond a triennium, as odious and strict in interpretation from ordinary election rather than extraordinary, contains something common with two purposes), or to receive the habit of any religion, or to make profession. Therefore he who is inclined towards ingress, only on account of education, and not for reception of habit or for emission of profession, there is least of all disapproved in this regard. And quandoque nos essent in poenalibus, juxta regulam juris benignior debet esse interpretatio. But notwithstanding this, the first opinion is more probable to me, and I am led thereby, namely: that the Council after having condemned the principal causes; also passes a censure against those who have given assistance, favor, or aid; and whoever knowingly do not enter the monastery of their own accord (note), nor receive the habit, nor make profession; but in any way have either actively or passively interposed consent, authority, or presence.

Therefore, from this second part the sense of the first is gathered; for it agrees with this second part three members, 274 Lib. VII. The Censures Ecclesiastical and Irregular are distinguished when they condemn those who give consent actually under compulsion in three cases: namely, when a woman against her will enters a Monastery, or accepts the habit, or makes profession; thus presumptively to be understood, as regards the first

part so far as primarily compelling. Because however the Council includes cases expressed in law, they probably say that a woman guilty of sin can licitly be coerced to enter penance for her crime, or lest she lapse into some kind of immorality, as is signified in c. Significavit, and c. Gaudeamus de Convers.

Conjug. Doubt. 2. Whether parents, by incurring excommunication, induce a girl to enter a monastery, or to receive a habit, out of fear of reverence? Si metus concipitur a puella ex se, absque illorum cooperatione, certo est, eos non incurrere.

It is a question whether fear arises from the declaration of the will of the parents. It is affirmed to incur from the dissolution of matrimony. But Barbos more probably denies it in Portel. Riccio, and section 3, note 717, version.

The same author also mentions in footnote 6 on page 1056. For induction simpliciter, whether its own or another's, is not coercion, as the same author confesses in n. 3, p. 104, from Armentur. And this even if importunate prayers are added, as he himself subjoins in chapter [contra de poenis], such coercion is to be strictly understood. But otherwise says Rodrig. in 7 n. 8: if prayers are most urgent and repeatedly pressed: for they seem to involve a grave fear from a probable indignation which the Parents might feel.

They add that licitly one may compel maidens to enter a monastery on account of caution, or for some other just cause according to the laws. Hence I say this: if a Confessor be chosen for the purpose of supplementing [some arrangement], he may well be confirmed through another three-year period after the term of the supplement, because the prohibition against choosing a Confessor beyond a triennium is to be understood with odious strictness in regard to ordinary election, not extraordinary. Although it may absolutely speaking be unseemly to compel them for the sake of a better education, yet if, on the contrary, there exists a prudent suspicion that, should some Confessor be chosen for the purpose of supplementing [some arrangement], he might well be confirmed through another three-year period after the term of the supplement; because the prohibition against choosing a Confessor beyond a triennium is to be understood with odious strictness in regard to ordinary election, not extraordinary. For if those in the world remained imbued with evil customs, for instance, should they appear too ready to converse with men, or should they have persons at home from whom it would easily come about that scandal was contracted through kindred or servants; then I would not dare to condemn and force them to enter into the Monastery for

the sake of caution. For in such a case truly the aim of this Council prohibiting such compulsion would be defeated, both inadequately and even contrary-wise, since if no compulsion were exercised, a greater evil would come about; see what is said at lib. 1 n. 199. This refers to that, if a Confessor be chosen for the supplement, he may be well confirmed through another three years after the term of the supplement, because the prohibition against choosing a Confessor beyond a period of three years is odious and strictly to be accepted in the case of ordinary election, not extraordinary. Jerome writes to Laeta: "Far be it from the age of childish prattle: themselves too are girls, and are prohibited from entering secular associations lest if a Confessor be chosen for the supplement, he may be well confirmed through another three years after the term of the supplement, because the prohibition against choosing a Confessor beyond a period of three years is odious and strictly to be accepted in the case of ordinary election, not extraordinary. If they have learned badly, let them teach worse." Doubt. 3.

One who incurs an excommunication, are they compelled to enter into Religion? Palacius affirms in his work at lib. 4, cap. 4, n. 3, because the same final reason governs the marriage of men as does that of women. But commonly and truly they deny. D. 23 sedes. 3 n. 8 c. cum Bannez, 2 qu. 2 n. 15, cum Fill. 74, cum . etc. Ratio, quia à Concilio excommunicatio dumtaxat feritur contra cogentes foeminas, non mares: in poenalibus autem non fit extensio de casu ad casum, licet eadem ratio procedat: præterquamquod pro maribus non currat eadem ratio, quae pro foeminis; quia faciliùs et frequentius mulieres quàm mares inducuntur invētē ad religionem suscipiendam.

Even though such coercive measures may be excused by censure, they can nevertheless in no way be excused by grave guilt. Moreover, at Trent, in ibid., session 25, chapter 18, anathema is pronounced against those who, without just cause, hinder the will of holy virgins or altar women to receive or even to make a vow. By the name of veil understand §76 Lib. VII.

Therefore, with regard to Censures and Irregularities, the religious profession made through the reception of the veil, named by vow, does not mean a simple vow of chastity or religion, but the same profession along with three vows, without however the reception of the veil, as is done in some monasteries; thus. D. 23 sedes. 7 n. 20. c. 10 n. 67, cum D. 2 q. 2 p. 3 n. 2 et 4, cum Fill. But there arises a doubt, whether one incurs excommunication by hindering a maiden from entering a Monastery to receive the habit. They deny that it is subject to excommunication who merely hinders a virgin from entering a monastery with the intention of

receiving the habit, because the decree of the Council should be understood in strictness: namely, only when profession is hindered.

But it is more probable that it affirms this: for whoever impedes the girl so that she may not accept the habit or enter the monastery to accept the habit, consequently impedes her profession. And rightly do they subjoin n. 1, vers. ad finem, when Salonius deems it presumptuous to incur this excommunication who by deceit (not merely by prayer) impedes a girl, that she not become Religious. ## ARTICULUS II. ## What are the excommunications reserved to Bishops? 213 Excommunication I. is incurred against him who lightly strikes a Cleric. II. In those who are absolved on the article of death, and afterward do not present themselves to the Superior.

III. In Minorites fratres etc. IV. Upon those who seek an abortion of a fertilized embryo, following the effect thereof. V.

In those who participate in the same crime, etc. VI. Excommunications which bishops reserve to themselves. 214 Concerning excommunication imposed on the basis of a warning. 215 Whether one is bound to reveal damage if he does not reveal it? 216 Is there an obligation to reveal an amended crime upon factum monitorio? 217 Whether those who have been subjected to factum monitorio are excused from revealing? 213 • RESP. These are they: I. Which is contracted through a light or heavy blow inflicted by a cleric, if the one struck be a woman (*De hoc*: Excommunication shall be seen infra under n. 279.) *II.*

In them, who having been absolved in the hour of death from censure, or by a person under censure himself, from him to whom they could not otherwise present themselves, do not present themselves to the Superior after they have recovered. (Intend, when the censure was reserved to the Bishop, see what is said at n. 92.) V. III. In Fratres minores, si admittant in suis ecclesiis ad officia divina fraters tertii ordinis. IV.

In those who seek an abortion of a animated foetus, following the effect. * (See what is said in chap. 3 n. 395 and 327. When however the fetus is deemed animated, see there n. 364, v. Qu. III.

They can absolve from this excommunication those presumed Regulars; see there. n. 397, v. Similarly, cf. l. 7 n. 99, in fin. * See also those who communicate in the same crime with those excommunicated by the Bishop: VI. All these [penalties] which the bishops have reserved to themselves by their own statutes and keep for themselves, that the

confessors may see in the Agendis.

» Hic breviter agendum de excommunicatione, quae imponitur ex vi Monitii ad revelanda aliqua crimina vel ad restitutionem rei alienae, et similia. And it must be said I. If the crime does not cause damage to the property of any third party, the person is bound to reveal it unless preceded by infamy; or a rumor has arisen among honest men concerning a greater part of the neighborhood, or of the College; For the reason that without such infamy the Superior cannot inquire into that crime; thus Sylv. Avili.

Gib. cum . 4: n. 2. To be said secondly. If the delict tends to common damage, even if it is hidden, then it must be revealed, unless there is a firm hope that correction will follow; Dicendum III: If the delict results in damage to a third party: then it must be distinguished. When a crime has already been committed and is so concealed that it cannot be proven, it ought not to be revealed; But otherwise, as Sotus, Corduba, and Avila say, if the crime can at least be proven by one witness; or if it is in the process of being committed and cannot be prevented through mere observation.

But in this last case they deny: n. 4, with S. Thomas, Bonaventure, etc.: Yet however §76 Lib. VII. Of religious profession in ecclesiastical censures and irregularities, the simple acceptance of vows does not mean a vow of mere chastity or religion; but it is understood as the same profession with three vows, without, however, the reception of the veil, as happens in some monasteries; thus. D. 23 sess. 7 n. 20. c. 10 n. 67, cum D. 2 q. 2 p. 3 n. 2 et 4, cum Fill.

But a doubt arises whether one incurs excommunication by merely hindering a girl from entering a monastery to receive the habit. They deny that it incurs excommunication who merely impedes a girl, so that she may not enter the monastery to receive the habit; because the decree of the Council is to be understood with severity: namely, only when the profession is impeded. But it is more probable that he affirms this: namely, whoever impedes a girl, so that she neither accepts the habit nor enters the monastery with the intent to accept the habit, consequently impedes her profession. And rightly do they subjoin n. 1, vers. to the end, with Salon: for one who presumptuously (not however by mere prayers) impedes a virgin that she may become Religious, such an one is subject to this excommunication. ## ARTICULUS II. ## What are the excommunications reserved to Bishops? 215 Excommunication I. is incurred against him who lightly strikes a Cleric.

II. In those who are absolved in the article of death, and afterward do not present themselves to the Superior. III. In Brothers Minor etc. IV.

In those procuring an abortion of a fertilized embryo, the effect following. V. In those who are sharers in that same crime, etc. VI. Excommunications which bishops reserve to themselves. 214 On excommunication imposed by warning. 215 Whether one is bound to reveal damage if he does not reveal it, etc. 216 Is there a obligation to reveal a corrected crime? 217 Those who are excused from revealing on the basis of the warning? 213 • R E S P.

These are they: I. Which is contracted through a light or severe blow from a cleric, whether it be a woman * (On this * * *

Reason, because such a thing does not contravene commutative justice, but contra legal justice, or contra obedience, which does not obligate to restitution; see what is said in d. l. 4 n. 270, v. Dub. 2. They nevertheless receive it as certain, c. cum Bon., etc., if the witness has undertaken the office of a witness from the Judge's precept, and has begun to respond, because, with such acceptance, he is bound by justice to disclose the truth: But see what has been said in the aforementioned chapter 4, ibid., number 250. Dab. 3 216 Question.

II. What is the obligation arising from the power of the monitor to reveal a crime that has been amended? Resp. Negatively, unless the crime has already produced an effect in the future; suppose there is a murder with adultery, which would create an impediment to Matrimony, and similar cases, or unless the crime is public and the correction secret: or finally, unless the Superior not only intends to punish the supposed fault of the matter corrected, but also the presumed criminal act: thus, however, after the making of the Monitorium, may be excused by revealing it?

See the aforementioned lawbook, volume 4, number 248. Question Second. Add moreover, if a Confessor is chosen for supplementation, it can be sufficiently confirmed by another three-year period after the time of supplementation, because the prohibition against choosing a Confessor beyond a three-year term, inasmuch as it is odious, strict, and to be accepted as such for ordinary election rather than extraordinary, if indeed a Confessor is chosen for supplementation, it can be sufficiently confirmed by another three-year period after the time of supplementation, because the prohibition against choosing a Confessor beyond a three-year term, inasmuch as it is odious, strict, and to be accepted as such for ordinary election rather than extraordinary, if in the Monitorium it is prescribed that revelation should be made known to all those who know it, they are not bound to reveal it, who as Chapter II. Dub.

IV. Of Excommunication. They heard it; And those who have heard presumptuously are not bound by what they have heard from those not worthy of much faith; See c. 4 n. 15. He points out, however, who ask for light reprimands for trivial reasons. II.

Judges thus conceding, or when the matter can be proved otherwise; or if they have foreseen the people with a contemptuous attitude; also if debtors are not to be discharged, or if the case is so ancient that no one will reveal it; also if an offense was committed in the presence of those who are not bound to denounce it. ## ARTICLE III. ## What are reserved

to the Popes outside the Bull of Cenae. 318 Excommunications reserved by the Pope against all. 219 Excommunications reserved against clerics and religious. 220 Specifically treated is I. excommunication against duelists and their coopers. 221 Treated is II. concerning latitudinal excommunications against violators of monastic closure. 222 Doubtful case 1. Those who enter without license incur a reserved excommunication, if they do not enter for the pretext of faculties? Dub. 2. Do all those entering into Seclusion incur excommunication reserved? 223 Dub. 3.

Whether such a license ought to be allowed in writings? Dub. 4. Does a special license need to exist? 224 Dub. 5. From whom ought it to be granted?

What cause is required for granting permission? Regarding the admission of Physicians and other Officials, several points are notable. Concerning the admission of Confessors. 228 Dub. 7. Is one who enters with permission obliged to exit immediately? Concerning excommunication reserved against violators of enclosure by nuns and others cooperating with them; concerning another reserved excommunication against women violating the enclosure of religious: whether women may be exempted from this prohibition? And what houses may come in the name of Convents? 232 Concerning the prohibition of conversing with Monials according to common law. What concerning Regulars? 233 Doubt 1.

Is the admission without any colloquy alone forbidden? 234 Dub. 2. Do those who speak through nods or signs incur reserved sin? SEVENTH. With regard to censures ecclesiastical and irregularities in the monitorium, it is not prescribed to denounce, but to testify; each one is bound to manifest if semi-full proof precedes; although he cannot prove. And Avila, a15 Question None, hîc I.: in order that the monitorium may not be imposed upon oneself, one is bound to nothing; nor does one incur excommunication by this, nor sin by not revealing.

He indeed sins and incurs [sanction], if he is already cited, as stated in canon 30, note 54, etc.; see law 4, note 280. Namque autem tenetur ad restitutionem? They affirm chapter 4, note 7. But rather they deny it according to 10 quolibet 3 parrhesia 3 numero rationis caput 4 numeratio 8.

Reason, because such a thing does not in truth constitute a violation against commutative justice, but either against legal justice, or against obedience, which does not obligate to restitution; See what is said in d. l. 4 n. 270, v. Dub. 2. They nevertheless receive it as certain, c. Bon., etc., if a

witness has accepted the office of testifying by virtue of a command from the judge, and has begun to respond, because, with such acceptance in place, he is bound by justice to disclose the truth: But see what was said at l. 4 ibid. n. 250. Dubitatio 3. art. 17.

But as regards the excuse after the issuance of the monitorial document, let it be noted from what was said in the aforementioned section 4, note 248. Question II. Add moreover, this: if a Confessor is chosen as a supplement, it can be well confirmed by another three-year period after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year term, since it is odious and strict, should be understood in relation to ordinary election, not extraordinary. If in the Monitorium it is commanded to reveal to all who know, those who are so great may not be bound to reveal according to Chapter II. Doubt.

IV. On Excommunication. They heard it; And if the hearers are presumptuous, those who have heard are not bound by it unless they be worthy of little faith; See canon 4 note i5. He remarks, however, who seek light reprimands for trifling reasons. II.

Judges thus conceding, or when the matter can be proven otherwise; or if they have foreseen the People in a state of contempt; likewise if debtors are not to be discharged, or if the thing is so antiquated that there is no one who would reveal it; likewise if the delict was committed before those who are not bound to denounce. ## ARTICLE III ## - What things are reserved to the Pope outside the Bull of the Ban. 318. Excommunications reserved to the Pope against all. 219 Excommunications reserved to the Pope against clerics and religious. 220 Special mention is made first of excommunication against duelists and cooperators. 221 Mention is made second of excommunications latae sententiae against violators of the enclosure of nuns. 222 Dubium 1. Those who are admitted without license incur a reserved excommunication, if they do not enter pursuant to faculties? Dub. 2.

Do all those entering into Seclusion incur excommunication reserved, if they do not enter on the pretext of faculties? 223 Dub. 3. Whether such a license ought to be in writing? Dub. 4. Whether a license should be special? 224 Dub. 5.

From whom ought it to be granted? What cause is required for granting a license? Concerning the entry of Physicians and other Officials, many points are to be noted. On the entry of Confessors. 228 Dub. 7. Is a person who enters with license obliged to withdraw immediately? Concerning

another reserved excommunication for nuns violators of enclosure and for others cooperating in such violations. Regarding another reserved excommunication against women violating the enclosure of religious: Which women are exempted from this prohibition? And what houses may come in under the name of Convents? 232 Concerning the prohibition of conversing with Monials, according to common law.

What concerning Regulars? Dub. 1. Is the access prohibited solely without colloquy? 234 Dub. 2. Do those who speak through nods or signs incur reserved sin? VII.

On censure ecclesiastical, and irregularity, 235 Doubt 3. If he sins grievously by reproving a monk once? 236 Dub. 4. Is there a matter of insignificance in such locution? And is it given in Regulars? 237 Dub. 5. May one speak with a religious sister for the sake of utility, or does permission permit it? 238 Dub. 6.

Whether with a Abbess? 239 Dub. 7. Who are excluded from this prohibition? 1. With bloodstained reward, and secondarily. Coerced by fear. 3.

Poor men, and those who seek profit. An impuberes? Do Regular clerics incur excommunication through the imposition of a bishop? 242 D. 10. Do the Peregrini? 243. Do the Episcopi colleting with Monialibus in another Diocese incur excommunication latam from the Ordinary of the place? 244 DISSERTATIO super Censuris circa sententias pertinente ad Conceptionem B.

V. Mary. The Bull edited on this matter is announced. 245 When do the penalties accrue to those who contradict pious judgment? (up to n. 249.) 248 When do its supporters incur penalties? 249 Pious judgment is proven up to n. 263. Is it permissible to make a vow of profound life for defense and preservation of B.? V.

Mary and original sin? 218. Resp. 1. Against all, more obviously are the consequences apparent. 1. Incendiaries, concerning your question regarding matters, page 129. * 2.

In those who have false Apostolic letters and do not destroy them; likewise concerning falsifiers of Apostolic letters, c. Durand., ibid., and c. Ad falsariorum, de Crimine falsi. 3. In breaking and plundering Churches, c. Conquesti, eadem. 4. In communicating with those who are excommunicated by the Pope on account of the same crime, c. Nuper eod.

5. In vexing those who have imposed censure upon others, c. Quicumque de In absolutos ab excommunicatione sub conditione et non implentes, c. Eos qui ibidem 7.

In violating the papal interdict, Extrav. Although concerning Pcen 8. In those who promise and receive something from the pact on account of admission to religion, Extrav. comm. 1 de Simon. 9. In Simoniacos reales, in accordance with order, or benefit, Extrav. 2 idem 10.

In those committing simoniacal confidence, Bulla Pii IV. 86 et Bulla S. Pii V. 11 In impedientes executionem litterarum sacrae Poenitentiariae, Bulla 1 Jul. III. 12. In donors and recipients of something for grace or justice before the Apostolic Seat, VIII. 1 and IV. 13. In those who commit duels, and in those associated with such acts by cooperating, advising, etc., the seventh instance. (See on this excommunication to be spoken about no. 220.) 14.

Concerning women entering Regular Monasteries. Bullae Sancti Pie V. 20. *(Vide n. 230.) * 15. Against those opposing the institution of the Society of Jesus. 16. Concerning those who swear illicitly and contrary to the freedom of the Church, the Bull states . 17.

In seizing Church goods, likewise in demanding taxes from ecclesiastics. In violating the freedom of the Church, if a Confessor is chosen as a supplement, it can be sufficiently confirmed by another triennium after the time of the supplement, since the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary; this is why those fleeing to the Church are referred to in Bulla . 7. 19. In teaching, it is possible to make a confession in absentia. (V. hoc infra n. 7.) 20. In those who hold either opinion concerning the Conception of the Blessed Virgin Mary.

They condemn the sins of mortals, or heretics; likewise in those who, in sermons and other public acts, such as readings and conclusions, assert that the Blessed Virgin was conceived in original sin. Grave nimis de Pii V. *(Vide ex n. 244.)* 21. In those who strike clerics (c. Si quis suadente 17. 4). Quae cum celebris sit et multa scitu necessaria habeat, ageretur de ea culari ter infra ex n. 264.. Item excommunicatione 22. Those who persist for an entire year in the excommunication laid down by the Delegate of the Pope, from the office of the delegation, 23.

Offenders. Cardinals, c. Felicis de Poen. 24. Demanding tribute from

ecclesiastical pensions, c. Clericis de Immunibus in 6. 25. Violating the interdict by prohibited means, despoiling sacred bodies, excising two from burial, Sepulcr. 27.

Errant persons in the letters 280 Lib. VII. Of Censures Ecclesiastical and Irregular, 235 Doubtful 3. If a grave sin is committed by reproving once the monk? 236 Dub. 4.

Is there a trivial matter in such a locution? And is it given also in Regulars? 237 Dub. 5. May one converse with a Monial for the sake of utility without permission? 238 Dub. 6. An colloquium licet cum Abbatisse? Who are excluded from this prohibition? 1.

By kindred in reward, and secondarily. Compelled by fear. 3. Poors, and those seeking gain. 240 D. 8. An impuberes? 241 D. 9.

Do Regulari incurri excommunicationem latam aEpiscopo? 242 D. 10. Are foreigners [Peregrini]? 243. Do bishops conversing with nuns in another diocese incur excommunication latam from the Ordinary of the place? 244. DISSSERTATION ON Penances concerning sentences pertaining to the Conception of B. V. Mary.

The Bulls issued on this matter are enumerated. 245 When will you incur penalties by contradicting a pious judgment? (up to no. 247.) 248 When those who support it? 249 The pious judgment is proven up to no. 268. 263 Is it permissible to make a vow of profound life burial for the defense and preservation of B? V. From the original sin of Mary? 218. Resp. 1.

Against all, more obviously are the consequences apparent. 1. Incendiaries, c. Tua nos de res. p. 129.) * 2. In possessiones habentes litteras Apostolicas falsas, et non destruentes; item in falsarios litterarum Apostolicarum c.Durand. eod. et c. Ad falsariorum, de Crimine falsi. 3. In destroying and plundering Churches, c. Conquesti, eodem. 4.

In communicating with those who are excommunicated by the Pope on account of the same crime, c. Nuper eod. 5. In vexing those who have brought the censure upon others, c. Quicumque de In absolutos ab excommunicatione sub conditione et non implentes, c. Eos qui, ibidem, 7. In violating the Papal interdict, Extrav. Even though from Pcen 8.

In those who promise and receive something from the pact due to admission into religion, Extrav. comm. 1 de Simon. 9. Regarding real simonies, in accordance with order or benefit, Extrav. 2 from the same, no.

10. In those committing simoniacal confidence, Bulla Pii IV 86 et Bulla S. Pii V 11 In impedientes executionem litterarum sacrae Poenitentiariae, Bulla Jul. III. 12.

In donors and recipients of something for grace or justice before the Apostolic See, VIII. 1 and IV. 13. In those who commit duels and in those cooperating with such acts by encouraging them, etc., according to VII. 11 of that place. See on this excommunication n. 220. 14. Concerning women entering Regular Monasteries. Bullae Sancti Pii V. 20. (Vide n. 230.) 15.

Against those assaulting the Institute of the Society of Jesus. 16. Regarding those who swear illicitly and contrary to the freedom of the Church, Bull 93. 17. Regarding those who seize Church goods, likewise regarding those who exact tribute from clergy. In violating the liberty of the Church, if a confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary; those fleeing to the Church, Bulla 7. 19.

In teaching, it is possible to make a confession in absentia. (See below infra note 7.) 20. In those who hold either opinion concerning the Conception of the Blessed Virgin. They condemn the sin of mortal sin or heresy; likewise, those who, in sermons and other public actions, such as readings and conclusions, affirm that the Virgin was conceived in original sin, Ex trav. Too grave is it for Pius V. (See n. 244.) 21.

In those who assail clerics (c. Si quis suadente 17. 4). For as it is notorious and requires much learning, it shall be treated below according to no. 264. Furthermore, he is excommunicated. Those who persevere under an excommunication laid by a Delegate of the Pope, at the request of the petitioner, according to the office of delegation 23. Offenders.

Cardinals, c. Felicis de Poen. 24. Demanding tribute from ecclesiastical persons, c. Clerics on Immunity in 6. 25. Violate the interdict by prohibited means, disemboweling the bodies of Saints, and carry them away. Foul-smelling persons according to lib. 28 cap.

VII. On Excommunications and Irregularities. Apostolic, ut earum expeditionem gratis assequantur, Bulla Leonis X. 27, 28. Simultaneously pretending and assuming that others are they for obtaining Benefices from the Dataria, the Bull 12.

Pauli IV. among others. 29. Sending messengers or envoys to the Conclave, or receiving them from there: Bulla Pli IV. 63, concerning the election. 30. Occupying the good seats of the Churches, of the Montes pietatis, or any other place of piety, or hindering so that they who by right belong to those may not receive from them, the Council 31. Feminae nec masculi ingredientes septa Monasteriorum Monialium praetexta licentiarum in casibus non necessariis, Bulla 28.

Where grace is. See below 32. Capable and retaining Christians residing among Turks, and those who plunder their goods or compel them to emigrate, Bulla S. Pii V. 149. It is permitted 33.

Publishing indulgences, and giving the faculty of choosing confessors to those who make some satisfaction, Bulla S. Pii V. 99. How full. 34. Accepting and retaining the fruits of a vacant Benefice, or hindering the possession of a Benefice by those who do not resolve the impediment, without sweetened or any other resolution, Bulla ejusdem Pontif. 104: Too severe. 35. Animals and goods being despoiled, or those who eat them having been taken from the Ecclesiastical State, Bull 98.

Not without. 36. Teaching to make a Sacramental Confession by proxy through letters, Bulla Clementina. VIII. 87. Most Holy. 37.

Drawing forth wheat, barley, pulses, and oil outside the State of the Church without license, Paulus V. Bulla 12. Among the most grave. 38. Those teaching or defending presumptuous disputed opinions condemned, Decretals.

S. C. et S Officii quae emanaverunt annis MDCLXV, MDCLXVI et MDCXC a dicto «'Resp. 2. Against Clerics and Religious are these: "r. In participantes in sacris cum excommunicatis" from the Pope, c. Significavit de In procurantes-tes alienationes Ecclesiarum. 3 in Concionatores, who preach meanings of Scripture alien to that of Doctors during the time of Antichrist and the last judgment, and other similar revelations. 4. In parochos non implentium jusjurandum de residence factum. Among Mendicants passing to another Order except the Carthusians, Excluded.

Way of Regulation 6. In nuns exiting cloisters without license, Bull S. Pii V. 8. 7. In Religious, who presume to minister the Sacrament of the Eucharist or Unction, or to solemnize Matrimony without privilege or special license, Clemency [Papal Bull]. » 1 de Privil.

- Item. 8. Inducing to an oath concerning the choice or election not to

change burial in their churches, commissaries or delegates impose a decree by grace, or fear, or lots regarding the alienation of goods of the Church, or otherwise procuring alienation fraudulently, Bulla 2 of Paul II. When in all things. 10. Preachers not observing the Decrees issued concerning them by the Council.

Lateranensis, Bulla: Leonis X. 21. Supernæ. 11. Absolving under the pretext of privileges from cases. Bulla of the Feast, or reserved to Ordinaries.

Decr. S. C. Episc. et Reg. à Clemente. VIII. year of approximation about the year 1601. 12. Consenting to usury on ecclesiastical goods, Council 13.

Going beyond the sea without the license of Superiors, Externally. To our own, according to Rule 14. Superiors not denouncing Religious who are suspected of heresy to Inquisitors or Ordinaries of places, Bulla Pauli V. 26. Roman.

Pontif. 15 Minores de Observantia subornantes vota in electionibus, Bulla: S. Pii V. 128. Pastoralis. 16. Claustrales receiving Minims without the license of the Pope, Bulla of Julius II. By virtue conspicuous, outside Bull. 17.

Third orders wearing the habit of the Minors, Bull of Leo X. Let it be permissible for others, according to the Extrinsic Bull 18. Bishops who confer Benefices against the prescription of St. Pius V., when resigned by them in their hands, Bulla 50. As much as. 19.

Cardinals surrounding the Papacy, and for its simoniacal cause, Paul IV. Brief 16. When according to 20. Cardinal simoniacs in Benefices, Bulla.

Saint Pius V 85. Today in the Consistory. 21. Judges, officials, laymen, and ecclesiastical prelates to draw persons from ecclesiastical courts to a lay forum, Bull Marlini V. 19 ad replicam 284 Lib. VII: Concerning ecclesiastical censures and irregularities, as stated above on the twenty-second day.

Temporal lords, who under their supposita interdicts compel to celebrate and hear Divine Services; officials and temporal lords banishing, or causing to be banished, or mandating banishment of Ecclesiastical persons; Bulla Urb. VI. 3. Because it corresponds to 24 officials, judges, temporal lords striking or banning bishops, or mandating such strikes or bans, and having others ratify them, Clement I de Pen.: 74. 25. Princeses et do-

minos temporales concedentes locum, vel permittentes diellum in terris suis, concilium caput 19.

Briefe Clem. VIII. 11 Vice illius. 26. Bishops and Inquisitors, as well as their substitutes, who through omission or commission offend in Office against those accused of heresy, Governors of Cities and of places where the Statutes of Ecclesiastical Councils are observed, receiving gifts other than foodstuffs, Bulla Pauli II. 3. Gifts.

Add 28. Violating the封闭环境导致的后果 Concilium editum per iussum Clementis. VIII. 22.

November 1722. Item, viri et mulieres ingressi Claustra Monialium praetexta facultatum, et Superiores ingressae facientes aut permittentes; Bulla Gregorii XIII. ubi gratia, 13 Junii 1575. Item women entering Cloisters under the pretext of faculties; the same Bull of Gregory. Thirteen.

Item ex Bulla S. Pii V. Decret. Romanum, 16 Julio 1570. omnes mulieres intrantes Monasteria Religioso- rum, praesumptum sine praetextu facultatum; Superiores autem, ac quicumque Religiosi introducere illas presu-mentes ipsa facto contrahunt privationem Officiorum, et inhabilitatem ad illa, et aliis obtinenda, nec non suspensionem a Divinis sine alia declaratione. Item notandum, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Bened.

XIV. In Bullae Regulari sub die III Ianuarii MDCCXLII decreverit: si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi; quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi; quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Foeminae ingressientes Clausuram Religiosorum incurrant ipsa facto excommunicationem pariter reservatam etiamsi praetextu pietatis et religionis ingressuri fuerint.... Add. 29. It is licit to defend the established practice either by citing the name of the complicit Confessor in writing or by word of mouth; and it is likewise illicit to attack decrees against such a practice, or to pervert or misinterpret them arbitrarily into some other sense, constituting thereby. When first, Benedict. XIV. 2 June

1746, see at the end of the Book.

This is the reward of the work to add more things to consider, especially concerning two excommunications mentioned above at no. 218, down to no. 13, and nos. 219 and 29, namely against duellists, and against those who violate the封闭环境 And I. concerning those cooperating with duelists and dueling, note from among five recently condemned Propositions by HH. PP. P. Bened. XIV. in sua constitut.. quae incipit, Detestabilem, edita die 13 Nov. 1752, non esse licitum offerre, aut acceptare duellum, ne quis privetur officio, etiamsi ex eo aliquis se suosque sustentet, vel spem habeat promotionis alias debite sibi debitae, nec licere acceptare duellum ad vitandam vilipensionem, quamvis certò sciatur si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. pugna non secutura sit; vide alia 1. 3 ex n. 400, v.

Inquire. Notaandum duo: si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. ex c. 19. excomunicantur non solùm duellantes, patrini, suadenttes duellum, et spectatores; sed praesumptum Reges, Domini in Terris suis locum ad duellum concedentes; atque illi privantur dominio territorii; et duellantes, ac pa-trini privantur suis bonis, ac sepulturà Ecclesiasticà. S. Pius V reserved this excommunication to the Pontiff; and in his Bull which begins, Ad tollendum, issued in the year 1582, he extended all these things to private duels, to presumptuous ones without patrons, and to Lords not forbidding such in their places, as well as to those cooperating with whoever. Finally Clem.

VIII. In alia Bulla quae incipit, Illius vices, emanata an. 1592, pro locis ubi duella à. Permits are granted to the lords, but a papal interdict has been imposed. See 42, and see what is said at 1. 3 n. 401. But these penalties, excepting excommunication, are incurred not otherwise than after a sentence, at least declaratory of the crime, according to. . and Nond. 3. by the name of Spectators, it is not understood as including all who look on with interest in the duel, but only those who either come up to the place where the duel is being fought or assist at the duel, according to the Bull; under these circumstances they are adjudged to be P.

Those who while milanting the proposition 2 condemned by ab. et 4, 3, the excommunicating sentence, do not incur excommunication, those who go to places where duels are fought out of curiosity; But they say Cont. The sentence: Tour. tom: 3 p. 4 7 3, et c., etiam excommunisententia, estostantium spectantes incurrere; quisociisunt duellantium, aut qui usâ presentiâ ad pugnam videntur illos incitare, non autem qui spectant àlunge, vel in secreto, vel alio modo nihil ad pugnam accundam inducente. Literal English translation:

Tom. tour: 3 p. 4 7 3, et c., even by excommunicative sentence, those present at the spectacle are liable to incur it; either those who are with the combatants and appear to incite them to battle, or not those who watch from a distance, or secretly, or in any other manner as nothing conducing to the battle. Furthermore, they add that those who accompany fighters in a duel do not incur excommunication if their intention is to impede the fight. Notandum quod licet ex Tridentino et ex Bulla Gregorii non incurrant excommunicationem provocantes et acceptantes duel; sed duellum non sequatur qui at minim; tamen in Bulla Clementis § Pratered (quam extendum refert Bon. D. 2. q. 6 p. 1 n. 2 3) excommunicent utramque, qui provocant scripto aut verbo et qui duellum acceptantes; etiamsi pugna non sequatur neque accessus necactus adpugnam proximus; necnon comitantes, nuntii, suadentes, consulentes, dictantes libellos provocatorios et eos scribentes vel afigentes, et quomodolibet adducentes duellum publicèvel occultè inundum.

It is noted. 5 that, neither being notorious nor brought before a contentious forum, Bishops may absolve excommunicated persons from such penalties; it is permissible to Session VI, cap. 2, § 4, as commonly stated elsewhere. 4 n. 4, 5, cum... and others similarly. However, those who are regular outside the City and within Italy cannot release from this excommunication by means of privileges; yet in the City or outside Italy, they can according to the Decree. SC mandante Clemente. VIII. procùt Diximus n. 9 6.

II. Regarding those who violate the Cloister of Moniales or Religious, it is to be noted that if a Confessor is elected as a supplement, he can be well confirmed through another triennium after the time of the supplement, because the prohibition against not electing a Confessor beyond a triennium, inasmuch as it is odious, strict, and to be received for ordinary election and not for extraordinary, having entered Monasteria of Moniales without permission into writings, incur excommunication therefrom itself: And entering moreover within the cloister's bounds let no one be permitted, of whatever genus or condition, sex or age, without the written

permission of the Bishop or Superior. The bishop or superior ought to grant license only in cases necessary. Such entries are prohibited presumptuously by Prelates, whether secular or regular, from any motive whatsoever, except in doubt (according to the ann. 1581, with the penalty of interdict from entering the Church for secular Prelates, if they enter other than on account of necessity—first time without; deprivation from the Pontifical office and from the Divine services for the second time; and excommunication for the third: Regular Prelates incur excommunication and privation of all office and ministry presumptuously at the first time, according to 7 c. 16 n. 102.)

Although Bonaventure, in his treatise on Seclusion, part 1, chapter 760, note 11, considers it probable that they incur the penalties of excommunication and privation only for the third time. In casu autem necessitatis, causâ Visitationis possunt praefati Superiores ingredi Monasteria Monialium; sed tunc debent esse à paucis iisque senioribus ac religiosis personis comitati. Few are understood to be four or five, as Bonac. and Victor think. Religious, idest proved-up life.

Tamburin autem dicit cum Victor apud de Alexandro. Confess, because they are affected by the penalty alone, prelates entering without necessity. It is held concerning regular Superiors in the Constitutions. Alexander.

VII. Among regular superiors, according to the Constitutions of Alex., if a confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a confessor beyond three years, insofar as it is odious and strict, should be understood regarding ordinary election, not extraordinary. If the general visits, he may take with him two associates from his order who are exemplary and mature in age; but if another visits, only one; furthermore, four nuns of seniority must assist, who do not separate themselves from the visitor. These excommunications are not reserved, but are found in §8 Lib. VII. Of Ecclesiastical and Irregular Excommunications, the reservation of Excommunication by the Pope is reserved (as we have mentioned above) against violent closure of Monasteries for a wicked purpose, as is contained in the Decree of the Sacred Congregation of the Council issued by order of Clement VIII in the year 1602.

How however is that to be understood as for an evil end? Mazzot. tom. 3 p. 510 understands the end in any manner as praiseworthy; but better is Pellizzarius, who understands it at most as a libidinous end, since the end of enclosure is that chastity may be guarded; and thus is forbidden presumptuous access and conversation. There is another excommunication

reserved by the Pope, issued on June 13, 1575, in the Bull Ubi gratia, against persons of either sex presumptuously entering Monasteries of nuns, or women entering religious cloisters under a pretext of faculties revoked therefrom; and against all Superiors of either sex who incur besides the reserved excommunication a deprivation of offices, and incapacitation to themselves if they enter, or permit anyone else to enter with a pretext of faculties; and against Abbesses or other Superiors, if daring to retain an admitted one in any way, as Paul V declared in another Bull beginning Monialium apud de 3. Hic tamen advertendum, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. Bishops, and Regular Prelates, who by reason or pretext of Office, but without just cause, enter Monasteries, shall not incur this reserved excommunication: for although all are embraced in this Bull, yet in the Bull, Dubiis, cited n. preceding, emanated after another, Ubi gratia, as above, Episcopal and Regular Superiors are excepted, as rightly advertized Fagnan. 1. 5 in c. Nuper, de Sentent. excomm. n. 38, against certain persons, since in said Bull, Dubiis, divers disposition is made concerning penalties for Bishops and Regulars; there the excommunication is laid upon them if they enter thither without just cause: this, namely, that it be not reserved; for Fagnanus proves it to have been a new Constitution regarding punishments, and not declaratory of the first Bull. Demùm note- worthy, if a Confessor be chosen for supplement, he may well be confirmed by another triennium after the time of supplement, because the prohibition of not choosing a Confessor beyond three years is so odious and strict in regard to ordinary election, and not extraordinary: that, if a Confessor be chosen for supplement, he may well be confirmed by another triennium after the time of supplement, because the prohibition of not choosing a Confessor beyond three years, being odious and strict, is understood regarding ordinary election, and not extraordinary.

N. SS. P. Bened. XIV, lastly day 3 Chapter II. Dub.

IV. On Communication. 289 And subsequently in the Bull Regularis, prohibited any entry to the enclosure of religious sisters under the pretext of piety and religion; only this concession was made to noble women from the family of the Founders, or to distinguished benefactors thereof, who have obtained this Apostolic Indult, allowing them to enter solely so as to proceed directly to the Church. When recalled, the Constitution of Saint Pius V remains in place. Beginning [with this], it is fitting for the Roman Pontiff (according to p. 48o n. 592), where permission was granted to women to enter religious cloisters for the cause of Procession, hearing Mass, or Sermon, or burial, or because of great crowds, to hear and

receive.

But doubts arise. Those entering Monasteries of Nuns without permission will incur the aforementioned reserved excommunication, if they do not enter on the pretext of faculties? Affirmant de. But they more probably deny it, according to 6 c. 16 n. 79.

Bon. de de Censur. Doctor 22 Fagnan. I. c. n. 1. 12. Mazzot. vol. 3 p. 521 note 3, and Barbos.

Rodrigo. Miranda, Sa, et Zerol. because expressly in the cited Bull of Gregory it is required an entrance pro forma praetextu facultatum. Doubt. 2. Whether all who introduce others into the Cloister incur excommunication besides the Superiors?

Affirming c. 7 s. 11 q. 4 with 1. 6 c. 16 num. 83, and . 290 Lib. VII. On Censures Ecclesiastical and Irregularities. Manuel, and Diana among the de Alexand.

For then the opposing reason would have force if it were said in the Bull. Above and any persons, but when it is said above and persons by whatever name called, they cannot be understood as all Religious who have a different name from Religious, but rather are understood to be Superiors who in different Orders have different names, namely Abbots, Praepositors, Priorates, Guardians, Correctors; which S. Pius V explained clearly in the Bull Regularium, although not contradicting His Holiness there remains the Decree. S. C. Episcop. et Regul. apud Ferrar. tom. 2 v. Conventus, art. 3 n. 7, ubi dictum fuit respectu ad Fratres Minores de Observantia, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinary. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinaria. Si ingrediantur Mulieres ipsorum Clausuram, tàm Prælati quam subditi eas introducentes incurrant eamdem excommunicationem reservatam et remaneant ipsa facto privati suis Officiis et inhabiles in futurum. 23 Dubit. 3 an licentia ingrediendi Monasteria Monialisium si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinaria. Quod si aliquis

Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinaria. Forum conscientiae debeat esse inscriptis!

They affirm 6 c. 16 n. 5o. 4 par 10 § 2 n. 6, et 3 tr. 2 R. 129, quia deficiente scriptura licentia est nulla, cum deficiat forma in ejus concessione à Trident prae- cripta Scss 25 c. 5 ubi: Ingredi autem intra septa Monasterii nemini liceat cujuscumque generis aut conditionis sexus vel octatis fuerit sine Episcopi vel Superio- ris licence sub excommunicationis pana ipsa facto incurrenda. They indeed deny at Diana! c. et Felin. Reason, because it seems that scripture is required only for external forum: This does not seem improbable, since it is not certain that scripture is required there for form, as we stated in a similar case 1. 4 n. 123, v. Here.

Let now Diana speak! 1. c. with Rodrig. and Villab. and Barbos.), license in writings is not required in ordinary cases when the cause is manifest, such as in the entry of a physician, Cap. II. Doubt. IV. On Excommunication. 2g1 Confessors, grave-diggers, and similar workers whom cloistered nuns are continually in need of, as explained by the Glossa.

Cause at the head Perilous, concerning the Status Regularis in 6. Doubt. 4. Whether such a license ought to be special? Resp. affirmatively, in such a manner that it is insufficient if to someone permission is granted for any cases to which the Superior can provide, as expressly stated in c. Periculoso: Unless special permission etc. However, speaking about five, with Miranda, this notwithstanding, let valid general permission exist so that all Physicians, Surgeons, and similar may enter, since although it is general as regards persons, it remains special as regards the cause of entrance; But I entirely disagree with this, considering that the aforesaid text and the Council should be sought for special permission not only so that the Superior knows the ministry of those entering but also because of their personal qualities, namely whether they will be live probi, mature age, and similar.

Nevertheless, it may be that a Prelate in general commit to an Abbot or Confessor, or some other prudent man, the faculty of granting license to others to enter, as will be said in the following Doubt at the end. Dubit. 5. From whom is the license to enter the 224 monasteries of nuns (Monasteria Monialium) to be conceded? If monasteries are subject to the bishop, it is certain that the right to grant permission to enter belongs to him by his own authority, or by delegation; but if the monastery immediately falls under the Supreme Pontiff, as stated in: 25 c. 5.

The same thing is probably taught in 1. 6 c. 15 n. 30 and in Bon. de de Matrim. 1. 3 D. 29 n. 35. Whether, however, the Vicar General of the Bishop can grant this license? They deny that Alexander in chapter 7 § 2 says otherwise than that unless the Bishop has a special mandate from him; and the same thing is understood when he cites Bonac. at loc. 292 Lib. VI.

On Penalties Ecclesiastical and Irregular, supra cited, but therein Bonac. did not say this: Whence it probably teaches n 30, with Navar. and Llamas, that if a Confessor be chosen as supplement, he can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium being odious and strict should be understood in reference to ordinary election, not extra-ordinary; which is confirmed i. In monasteries subject to the Bishop Vicar General permission can be granted without special mandate: And this is proved i. By his own motu proprio initiative, St. Pius V. Regarding the dignity, as there it is explained: The Pontiff has elucidated that a Bishop or another Ordinary of the place; whereas however the Vicar General of the Bishop is called Ordinary well, and the name of Ordinarius is comprehended in all Decrees, as attested by the same 29 de Matrim. n. 10 et 35. It is established by two reasons, because the Bishop exercises ordinatorial authority in the Monasteries subject to him according to c. Quoniam, in Offic. deleg. n. 15 cum la- ma, Cardina). etc., and the same [reason] holds true.

D. 29 n. 16) potest omnia quae potest Episcopus de jurisdictione ordinaria, quia cum Episcopo unam facit Tribunal. But concerning those things which the bishop has power over in delegated jurisdiction, hence rightly subordinate n. 30 does not allow the Vicar General to grant license in monasteries subject to the Apostolic See without a special mandate from the bishop. But the Vicar of the Chapter, when the See is vacant, can certainly grant a license in the Monasteries subject to the Bishop, because he supplies in all things which correspond to what the Bishop has by right in his ordinary jurisdiction; but there is difficulty as to whether he can presumptuously grant dispensation in matters subject thereto. Apostolic See?

Affirmant de Ral. Barbos. et . The Apostolic See is committed to the office perpetually: Episcopal, so that when itself it corrects the Bishop: give to Office, it passes to Chapter, or to his Vicar. This rationale does not approve; however: that other one: presumptuously grants permission, because (as he says) it is the intent of the Council to allow the Chapter to grant license so that monasteries do not remain without a superior to

whom they can recur for license.

The greater difficulty is from which it should be conceded that license if given to monasteries. Does the Beguarbiua remain? Concerning Alexander III, Book 3, Part I, Question 5, Article 1, it argues in favor of granting permission to be handed over both to a Regular Prelate and to a Bishop, referring to this Decree. The decree issued by the Sacred Congregation of the Council on 13 November 1610.

But probable doctrines teach Fagnan. 1. 5 in c. Nuper de et Miranda, Croix 1. 4 n. 76, cum S. C. Couc. ab ipsa visam, editum eodem anno, quo ipse scribat, nempe circa annum 1628, ac . 6 c. 16 n. 13, cum , Llamas, et ,) testatur praesumptum, declaratum fuisse à S. Pio V. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. licentia concedi possit et debeat à solo Prælato Regulari, scilicet à Generali aut Provinciali (vel praesumptum ab immediato Superiore Monas- terii, ut sentiunt c. cum aliis)ab eo citatis, contra de . c. qu. 2 et . Reason, because Trent prohibits ingress without the license of the Bishop or Superior; therefore, speaking disjunctively, it declares that the license can respectively be conceded either by the Bishop or by a Regular Prelate to whom the Monastery is subject. Moreover, it is properly observed from question 2 of the Decree of S. C. of 21 May 1630, approved by Urban VIII, that permission to grant should be accorded solely to the Bishop; concerning exempt monasteries, where such a custom prevails, this is presumed. The Abbess, however, cannot give this license by ordinary canonical authority, as they say in n. 22, with c. Man. et Graff. ac Barbos. l. c. nu. 53 against Suarez.

Doubt. 6. What cause is required for granting this license according to number 225? Resp., ad licentiam impertiendam non sufficit quicquid causae; sed requiritur necessitas, ut præscripsit illis verbis: Dare autem tantum Episcopus vel Superior in castis necessariis debet licentiam. This necessity, however, must be from the part of the monastery itself, Lib. 294.

VII. Concerning Excommunications and Irregularities, because entrance is permitted only for the sake of the monastery's own utility; for it is not sufficient that it be only on the part of outsiders, unless Natural or Divine Law otherwise prompts, as the Sacred Congregation said on September 9,

1611. Under which article it is said by Diana, page three, treatise three, rubric thirty, from another decree. The Sacred Congregation did not avoid excommunication for wives who entered the monastery with permission from the Ordinary because of adultery or dissension with husbands, since the Sacred Congregation rarely grants such permission.

And thus equally neither let any permission be given for placing a woman in the Monastery, so that she return to her vomit, according to c. ex alio Decr. S. C. 18 Aug. 1588. Neither for teaching the art to Mouiales unless in the monastery there were no other skilled ones present; as stated previously regarding Alexander from another decree. S. C. 11 Mart. 1586.

Nevertheless, it is noted therefrom, according to the Sacred Congregation, that the Ordinary may give permission for a girl about whom there is controversy to remain in the Monastery temporarily, until the matter is concluded. Such a necessity from the part of the Monastery is taken not strictly but latently; for it is understood as a moral necessity, namely when any reasonable or probatively just cause intervenes; thus 6 c. 16 n. 4. c. 7 § 3 q. 1 cum Delbene, et c. 102 num. 48 cum Miranda, Portel. et Campanile. It is said that a cause probabilitier justa is required, for dubiè justa does not suffice, as they rightly point out in ibidem; and it is further held (against Bonacosa) that a lesser reason is needed for the admission of a woman to a monastic house than for a man: also for daily, nocturnal, and consanguineous admission compared to extraneous admission; and for admission to prior buildings rather than interior ones. In cases of urgent necessity, which do not tolerate delay if serious harm might otherwise occur, no permission is required to enter, especially in the case of death, fire, violence, and similar situations, because human law does not oblige in such distress, as Sanches teaches in n. 34, and de Sixtus cum Navarre.

Graff. et communi. Hence any priest can enter in a case of sudden death to minister the Monastic Sacrament of Penance, or of the Eucharist, and even to give the presumed Extreme Unction, as it is said de cujus et alibi pluribus (contra Excipe nisi Abbatissea habeat generalem facultatem a Prelato praebendi licenciam). Here however it should be noted, if a Confessor is chosen as a supplement, he can adequately be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is, insofar as it is odious and strict, understood to refer to ordinary election rather than extraordinary. For if a Confessor is chosen as a supplement, he can adequately be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is, insofar as it is odious and strict, understood to refer to ordinary election rather than extraordinary. A physician cannot enter to

minister unless by a renewed license every three months, as from the Decretals.

Sacramentorum c. 7 § 5 qu 1.) Necnon debet associari ad duabus Monialibus senioribus; et intrare solus, nisi gravis sit valdè infirmitas. But a physician is not permitted to enter at the beginning of Lent to ascertain with whom dispensation should be made for the Moniales, because this can be provided for by the crates, de qu. 2. However, one could enter to visit a sick nun in bed, and doubt whether she labors under fever, even though one might approach the door itself without suffering great inconvenience because of shyness or embarrassment. Therefore question two.

However, an extraordinary physician may not enter at will to visit the nuns, but only in case of defect of the ordinary physician, or when the ordinary physician is deemed to be absent; regarding Alexander [of Hales] question 3 with Burchio. A surgeon indeed may enter to open a second vein, and an assumed Pharmacopola for teaching (if it be needed), how the medication is to be prepared. 6 c. 16 n. 59, et de 4. Factors, notaries, and similar may enter presumptively if necessity demands, for instance, to judge regarding an imminent ruin, to find necessary writings in the archives, to make a will for a maiden. Thus they may presume to enter ex licentia fabri, hortulani, fabricatores, putareae, putatores, molitores, et similes, qui artem suam non possint extra commodè exercere: §96 Lib.

VII. On Censures Ecclesiastical, and Irregularities. Likewise, a bajulus for carrying out what cannot be carried out by the Moniales. If however a license is specifically granted for one burden, upon this being lacking, another cannot be substituted unless the license were indeterminate, e.g., to enable entrance; thus 7.

Sanch Sartores admits the presumption if it is not easy to suitably adjust clothes outside; and Cassian agrees that there should be a custom. But D. 4 p. 10 § 3 n. 11 justly denies this. Nam etiam si licentia sit concessa pro magistro artis cum discipulo, possit discipulus ingredi vel immorari sine magistro? Barchius denies that for some impediment the master will not be able to enter or stay without the disciple. They indeed affirm, and according to some, that it principally affects those who enter because it is prohibited: hence, infants are not bound by the precept on account of their lack of the use of reason, nor novices presumptively.

But the Sacred Congregation has often declared the opposite: see concerning this matter. XI. Locus consultatio et capitulum. Et tanto magis

hoc dicendum de adultis, ex quibus insuper potest facile timeri periculum scandali. §27 Confessarius vero potest ingredi ad ministranda Sacramenta Poenitentiae, Eucharistiae, et Extremae Unctionis aegrotanti Moniali, quae ad Confessionale non potest accedere? And not only in the danger of death, but also every time Communion is dispensed according to the prescription of the Rule: Likewise whenever that nun was accustomed to receive Communion; so commonly c. 7 § 6 q. 2 with . and commonly, ex Declar. The Confessor ought to enter vested with the cope and stola, and thus remain there; and when leaving, he should not deviate to another part of the monastery, even if his intention were to visit another sick sister who does not, however, need the Sacraments; according to decree number fifty-nine.

A secular Confessor ought to enter without a companion, as the Sacred Congregation declares; but a Regular should have a partner approved by rule, of life, and mature age, according to the Bull of Alexander. VII. While therefore the Confessor hears the Confession, Comitatrices ought to assist at the door, so that they may see him; see de. Moreover, the Confessor may also enter and spend the night in the Monastery, if a Moniale be in extremis, according to the Rule.

A Confessor may also enter the Monastery to bless it if it is afflicted by spirits; according to Nald. from Declar. The Holy Congregation. Autem ad exorcizandam obsessam S. C. dierunt die 10 Nov. 1582 licere, si sit Sacerdos probatæ vitæ; sed postea iulii 1606 id prohibuerunt et dixerunt potius imperandum esse a S. C. ut Monialis illa exorceretur in ecclesia exteriori Monasterii, vide de q. 5. Moreover, the Confessor may also give after receiving the Sacrament relics to be kissed, bless a cell, etc., and even then speak of some temporal business; thus from question 10 according to the Gloss on c. Decr. v.

He must, according to the Rule. Jur. in VI, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Si Confessarius extraordinarius ingreditur cum licentia data pro una vice, non possit Confessionem excipere vel perficere propter morbum; possit postea iterùm ingredi sine licentia. Et idem dicunt si Monialis confessa statim advocet Confessorium egressum ad dicendum peccatum oblitum, cum illud spectet ad idem judicium. Furthermore, it is perceived that, if a Confessor be chosen for supplementation, he can properly be confirmed through another three years after the time of supplementation, since the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be

understood with regard to ordinary election, not extraordinary. Confessarius, postquam Confessionem Monialis infirmæ audierit, possit aliquod novum ædificium Monasterii benedicere, et etiam deferre cuidam alia Infirmæ quamdam insignem Reliquiam; sic etiam ait posse ob aliquam justam causam eum immo- rari in Monasterio ab breve tempus ad intuendum Offi- cinas, et ad tractandum aliquod temporale negotium.

Dubitatur: 7. Si quis ingressus est Monasterium cum li- centia, incurrit excommunicationem an, aut graviter peccet, si finito negotio statim non egreditur? Resp. 1. Qui ingressus est Monasterium cum licentia, neque excommunicationem incurrat neque graviter peccet si statim de negotio finito exiret. He does not incur excommunication, even though he may remain detained for a long time, because the enclosure is violated solely when entrance is taken without permission; thus 6 c. 298 Lib. Seventh.

Of censures ecclesiastical and irregular: 16 n. 60 de Zerol: he says this at chapter (contrary to chapter, he holds that if a confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition regarding not choosing a confessor beyond three years, since it is odious and strictly to be taken in regard to ordinary election, not extraordinary, let it be such that this one does not incur excommunication by the order issued by the Holy See at the command of Clement. VIII. die 22 nov. 1622. ubi excommunicantur omnes violantes Clausuram ad malum finem; hunc enim ait jam violare Clausuram immorando cum prava intentione, sed huic respondere potest, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria; quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. cum agatur de poenis, violatio illa stricte intelligenda sit, prout intendit Concilium, nempe de ingressu et egressu sine licentia. Resp. 2. On the contrary, a mortal sin is not excused by a long delay, because it involves transgression of the obligation of the Clausura: But if the delay is short, since in this precept negligibility of matter is not admitted; thus commonly said by cc. and Barbos. ibid., and Molin. because as this precept is moral, it should be understood morally.

Diana considers this brief delay to be a quadrans in this matter, as Villalobos says on page 3, treatise 2, question 51, paragraph R. Question 8. Whether one incurs excommunication by entering with license and for a just cause, but at the same time with a corrupt intention? Believes Bon.

But the opposite is held concerning number five, and reasonably does this appear likely according to L. 6, c. 16, n. 68, and c. 17, n. 28: for a censure is only pronounced against those who enter without license, not against those who enter with license even if with an evil intent; for penalties are strictly understood, and an evil intention does not nullify the first chapter.

Dub. IV. On Excommunication. 299 Having regard to the cause, on account of which the license was granted. Moniales autem, qui Clausuram violant, necnon alii concedentes illis, ut violent; sive eas comitantes, aut receptantes, pariter excommunicationem papalem incurrisse constat.

S. Pii V., quae incurrit Decori, edita 1 Dec. 1. 6 c. 1 r n. 35, ubi contra excusat egressio, si adsit justa causa, nempe (ut ibi dicatur) magni incendii, vel infirmitatis, leprae, aut epidemiae. Nomen autem Epidemiae declaravit S. Congregatio apud 2, intendi solummodo veram et reali pestem. But Holzrn. t. 1 p. 480 n. 592, and c. n. 35, cum Manuel, et Cenedo, say that not only a true pestilent disease, but any contagious disease which is wont to infect others, such as the disease of St. Lazarus, sacred fire, and similar ones, comes, so that if a nun falls ill in a monastery, she cannot be treated there without risk of spreading infection to others. Idque inferunt ex capite Periculoso de Statu Reg. in VI, ubi prohibetur egressus Moniali, nisi forte tanto et tali morbo evidenter earum aliquam inborari constaret; si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Non possit cum aliis sine gravi periculo seu scandalo commorari; et E converso recte ait Bon. 1. c. n. 18, cum ac All. 102 n. 20, cum Miranda, Sorbo, et Cenedo (contra . .) non sufficere ad egrediendum infirmitatem gravem sine periculo infectionisnis aliarum, tum quia hic casus non excipitur in Cons.

S. Pii; tum quia aliis magnum sequeretur damnum Clausurae, cum tales morbi in Monasteriis sint frequentes. They teach however 60 and 61, and the Monial, after the conclusion of care, or cessation of cause for exit, to hold immediately that re-entry be required; yet nonetheless this is rightly understood morally at once; hence they excuse the Monial from mortal sin if he dies outside after one or two days. Item ait 69, illam non incurrere excommunicationem, si extra commoretur, quia ipsa jam egressa est cum licentia. Although mention is made in the chapter Periculoso only of the sole cause of the fire, etc., as above, nevertheless 37 and 300 Lib. add beneficially.

VII. Concerning ecclesiastical censures and irregularities, 44, c. 7 § 9, qu.

2, they suffice for escaping similar causes, such as an imminent war, a river flood, or the ruin of a building. When however the way and time are open, it is necessary absolutely to obtain permission for writing from the Bishop according to the aforementioned Bull of Saint Pius V in order to exit similar cases, such as an imminent war, a river flooding, or the collapse of a building; if a monastery is exempted, then even a presumption by a regular Prelate is required, when it is said there: Let the cause now known, approved, and expressed in writing by the Superiors, and simultaneously by the Ordinary. Et autem incurrit excommunicationem Monialis egrediens extra Monasterium ad unum tantum pedem f Negant Graff. 4 n. 85 et l. 1 n. 673, si statim redeat.

But Bonaventura more probabily affirms in question 1 part 8 number 6, and in chapter 16 number 70. Nevertheless, it is abundantly reasonable to excuse with . Here to be noted from the decree. Clem.

VIII. (At the same place, the Sacred Congregation of Bishops and Regulars declared this. Nuns Art. 2 n. 7. Thus presumptively S. C. Episcop. et Regular. apud eumdem Ferrari. l.c. art. 1 n. 5 pluries statuit, Puellas commorantes in Monasteriis Monialium causâ educationis debeo habere locum separatum à Monialibus pro dormitione, congruent et pro operibus. 30 Hæc quoad Clausuram Monialium. Est autem alia excommunicatione reservata a Papæ contra mulieres violantes Clausuram Religiosorum, lata à S. Pio V. in Bulla Regularium, a.m. 1566 et in alia.

Whereas grace, issued in 13 q. 5 p. 3 n. 1. 15 c. 5 n. 176, and this excommunication also concerns not only women who pretend to enter monasteries of men or women under the pretext of studies, as it was declared, but also presumptuous ones, according to Cap. II. Dub. IV. On Excommunication. 501 sive tali pretextu conventus virorum ingrediuntur, ut per aliam Bullam editam die 16 Pius V decfa rexit, dicens: Declaramus fuisse et esse mentem nos tram, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. dicto littera non solum comprehendant mis litteras habere praeterdentes Indultum ingrediendi Monas teria, sed praesumptum quiscumque altas, idem in genere quid in specie etc. Et ita communissime et recte tenent Pall. tr. 16 D. 4 p. 8 n. 1. . 1 c. 7 n. 9. c. 27 n. 105 et . cit. n. 176 cum Iez.

December 1, book 6, chapter 16, note 79: who with Suarez says, if a Confessor be elected for the supplement, he may well be confirmed by another three years after the term of supplement; because the prohibition against electing a Confessor beyond three years, since it is odious and strict, should be understood in reference to ordinary election, not extraordinary. That is, if a Confessor be elected for the supplement, he may well be confirmed by another three years after the term of supplement, because the prohibition against electing a Confessor beyond three years, since it is odious and strict, should be understood in reference to ordinary election, not extraordinary. Authors, however, have been cautious about the contrary, because they did not read the aforementioned Declaration. Saint Paul V. It does not hinder this. If anyone is chosen as Confessor by way of supplement, it can be rightly confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary; which they object, if anyone is chosen as Confessor by way of supplement, it can be rightly confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary.

S. Pius V. Regularium, faciens tantum mentionem de feminis praetextu facultatumingrediuntibus, videatur secunda Comet. S. Piis, Romam num Pontificem, vel non fuisse promulgata, vel non recepta: Nam respondetur, ex eo, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. praefata se cunda Constitutio fuerit posita in Bullario S. Piis, et ex praxi atque stylo S. Poenitentiarie satis ostendi, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. praefata secunda Constitutio jam fuerit promulgata, et usu recepta. And hie insuper notandum, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud

triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. ex Bullae Gregori i, Regulares praesertim Superiores, praeter poenas suspensionis a Divinis, et privationis Officiorum, ac inhabilitatis ad alia, latas in Bulla S. Pii, inourrant praesumptum excommunicationem, si ingredi faciunt, vel permitiunt mulieres praetextu facultatem in sua Monasteria.

An autem Regulares admittentes feminas ingredientes sine praetexta incurrent excommunicationem? Filius negat suam traditionem capitis quinti quaestionis septimi numerae centenis undecimdecim, et Pius iam declaravit suam, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. in prima Bulla comprehenderentur mulieres intrantes praesumptum sine praetextu, sed Gregorius hoc non declaravit. However, they are exempted from this prohibition. Queens, 431 electors, and similar individuals, as well as their daughters, according to the teaching of book 502.

VII. On the Censures Ecclesiastical and Irregular. D. 22, sessio 6, n. 12. 6 c) n. 9. Good question, fourth part, second section, number five. II.

Foundresses who have granted a site for a monastery, either its foundation, or caused it to be built at their own expense, or endowed it with revenues: to these in addition an appropriate attendance of guests is assigned; Sporer l.c. and p. 65o. This nevertheless declared the reigning Pope Benedict. XIV. In Bulla Regulari (qua in principio operis reperies), intelligi, dummodo habeant privilegium à Sede Apostolica in forma Brevis et illud quoque exhibeant locorum Ordinariis vel Præsulis Monasterii. III.

Necessary women for the care of some Religious (intelligendum cum licentia Superioris): or those who have fled to avoid death, Sporer, et al. By the name of the Convent they are said, 4 p. 4 n. 6 and Elbel p. 642 cum infra et aliis, not to come to private houses, or residences, where one or another Religious has been accustomed to dwell, because these cannot be

called convents. Neither shall ye enter into any.isBlank However, he says in number 671 regarding the manner of observing the closure, due attention should be given to legitimate customs and reasonable ones, approved by the authority of the Superiors; but not to those which are rather called abuses and corruptions. They say, however, according to P. Ferraris (Biblia verbis 32), this but refers to annotating more extensively concerning the prohibited indication reserved in both Law and Case in the Neapolitan Decretal, with men conversing with nuns.

Hoc scendum in Concilio Lateranensi anno 1179 ut habetur in c. Monasteria, de vita et Monasteria Monialium: si quisque clericus sine manifesta et rationabili causa frequentare praesumptiva, per Episcopum arceatur; et si non destiterit, ab Officio Ecclesiastico reddatur immunis; si Laici, excommunicationi subdantur. By how many times, however, this frequency shall be constituted, the Glossa in the cited canon on Monasteries opines that it shall be constituted by two times, namely one day, or two consecutive days, as stated by Gratianus. Indeed more commonly four times in a year, or once in a quarter; and Bonaventura says and Manuel according to him. In hoc tamen ultimo casu dict Circà Regulares autem ipsi jam priùs specialiter interdictus fuerat accessuâ ad colloquendum cum Monialibus in VIII.

In the synod of 787 as is contained in definition 21 of Cause 28 question 2: To intercept adultery if a monk should have access privately to a single nun for conversation. Furthermore, in the Decree of the Sacred Congregation issued by order of Sixtus V in the year 1500. To regular colloquial communications with any nuns, whether of one's own order or another order, or with any woman residing in a monastery, a penalty of deprivation of Office, both active and passive, has been imposed, to be incurred by the very fact. However, it was forbidden to regular confessors that they not spend the night in the monastic cloister buildings adjacent to a convent, or allow others to do so, or otherwise retain anyone with them; likewise, that they did not take food outside the times of general confession.

And this law is more obligatorily bound by mortal sin, as Barchius and Ciera teach, D. 6 n. 26 v. But, when Afterwards Verrecchial. Donatus, Lamas, et Manuel (contra Navarr. et . C. Concilium editum 1 Iul. 1626 ubi declaratum fuit, Regulares accedentes ad Monasteria Monialium contra formam præfati Decreti editi mandato Sixti V. ultra penas incurre praesumptum per- 304 Lib.

VII. From the Decretals on Ecclesiastical Censures and Irregularities, since mortal sin is involved. Item this must be noted: if a Confessor is chosen as

a supplement, it can be well confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond three years is to be understood odious and strict in the case of ordinary election, not extraordinary. This was stated in the aforementioned Decree of Sixtus V., that Regulars may only obtain permission from the Holy See to converse with Monastics; but the same Holy See also, by decree 4 and chapter 6, number 26, issued a mandate from Urb. VIII. 20 novembris 1623 concessit locorum ordinariis, ut, quatenus sibi visum fuerit expedire Domino, possint licentiam per quatuor vices ad summum quemcumque annum concede libenter cuique Regulari, ut Moniales sibi consanguinitatis gradus tantum secundo tertioque in praemio et in secundo conveniant conjunctas et colloquium cum illis habeat.

Id vero ut nullo modo liceat diebus festivis aut Adventu, Quadragesima, feria sexta, Sabbato, et vigiliis: praedictaque licentia obtenta ab Ordinario et ab alio ad quem spectat eam concedere assignetur Confessario ordinario Monasterii, qui penes se retine debeat, isque associet et presens sit: et Auscultatrices de more, non akie, assistant: praedictaque licentia pro die et hora certa, et in scriptis concedatur, in librisque Cancellerio ejusdem Ordinarii annotetur. If any confessor be chosen for supplement, it may well be confirmed through another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium is odious and strict as regards an ordinary election, not an extraordinary one; if any confessor be chosen for supplement, it may well be confirmed through another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium is odious and strict as regards an ordinary election, not an extraordinary one. If the Ordinarius grant or permit the aforementioned license otherwise than in accordance with the form prescribed above, he incurs intentionis SS. D. N. transgressores; Regularis autem pontifex in supradicto Decreto (scilicet Sixti V.) contentis, ac si nullam licen- tiam obtinuissent, se noverint addictos, etc. Sed postquam haec scripsi, inventi si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. quod si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. cum à S. C. Concilii fuisset quaestionem, an Regularis accedendo ad colloquendum cum Monialibus sine licentia Episcopi peccent mortaliter etiamsi acce- dant ex rationabili causa? S. C. die 26.

November 1682. as it is found among Monacell. [The congregation] responded, not permitting without the license of the Bishop. And the same shall be found in the Bull Gravissimo, issued on the 31st day. October 1749. from B., XIV. (see in Bull. t.: 2. there n. 32.) in which it is referred to, that it was forbidden by the Sacred Congregation to Regulars that they not go to Monasteries of Nuns without the permission of the Bishop, nor even those subject to them.

Et quidem post ista pauci dies Regulari hodie videtur posse legitime accedere toties quoties ad colloquendum cum Monialibus ex licentia Episcopi, quidquid alia decreta prius statuerint in desuetudinem abierunt. These have been prescribed according to common law; nevertheless, in almost all Dioceses and particularly in the Neapolitan one there is a case reserved with excommunication against those who speak without the license of the Archishop or Vicar General to Monials in Monasteries where certain exemptions are supposed to be granted, or to some one or several of them, whether it be a Conversa, or Novitiate, or for education, or for any other reason whatever, may reside there, joined together with him in the first or second degree of consanguinity excepted. Declaring that if a Confessor is chosen as a supplement, it can be properly confirmed through another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period, being odious and strict in the case of ordinary election rather than extraordinary, grants who has obtained permission to speak to certain individuals, the ability not to speak to others by word and deed. Furthermore (they are excommunicated) especially those who with respect to any of the aforementioned matters or before themselves, whether in monasteries, conservatories, or colleges residing there, have committed impudent acts or words regarding disgraceful matters in the present, while absent they have done so by letters or through representatives.

Neither men nor women, whether doctors or those who are shut up within the walls of monasteries, conservatories, or colleges, shall carry these letters or mandates. Dubium. 1. Is such a prohibition alone and solely forbidden the access without conjunction? They affirm chapter 6, canon 16, note 112, and Bonaventure on Clausulas.

D. 3 p. 1 n. 3, cum. From hence they say that access to the monastery should be prohibited, presumptuously made for the purpose of inspecting the nuns. But rather it is more probable concerning Jordan and the vetary accessum formalem, namely with effect; whence the prohibited access has two meanings conjoined together, namely to approach the place and to converse; for this is clearly gathered from cited c. Definimus, where the simultaneous prohibition of access to conversation is defined; and from the

Decretals immediately above mentioned regarding the mandate of Sixtus V. and Urb. VIII. where there is always mention copulatively of access and conversation.

Hereby they probably speak, Diana p. 3 tract. 2 R. 48 de c. cum Lez. n. 2, with Graff. et Homob. (contrary to Meroll. et Pasqual.) speaking per se, that it is not prohibited to converse with Monials from a nearby house, who lib. 506. VII. Of censure ecclesiastical, and irregularity, there is a deficit in access; congruent nor presumptuously to write, as Bonaventure. D. 3 p. 2 n. 5. ibidem cum.

January and others. Thus, the presumptively forbidden is permitted to converse through a transmitted messenger, and so with Quarti, January, and Diana. I said this in general terms, for according to the case reserved for Naples, as well noted by Ciera, D. 6 n. 26, and likewise by Note 1, those who converse in houses near at hand incur excommunication presumptuously; similarly, those who speak with Monials who do not respond are guilty of presumptuous excommunication; there they are excommunicated not only for conversing but simply for speaking: Furthermore, all the absent ones who through letters or messengers engage in obscene matters with Monials or others residing in a monastery or conservatory incur excommunication. Do they incur a reserved case by speaking through nods or signs that are not obscene?

Mazzotta affirms with Quarti in January. Graff. et Baiocci, quia conceptus alteri manifesturam tam verbis quam signis. But Mazzotta himself, with Pelliz., thought it probable that the contrary might be; however, prohibitions are to be strictly understood as odious. a35 Dubit. 3. What is a mortal sin to converse once with a monk?

Speaking of common law, c. 6, 16, n. 126, with c. 7 § 10, q. 2, with Miranda, from the Decretum S. C., July 1, 1606: if a confessor is chosen for supplementation, he can well be confirmed by another three years after the time of supplementation, because the prohibition against not choosing a confessor beyond three years, insofar as it is odious and strict, should be understood of ordinary election, not extraordinary. Thus, such monasteries frequented by these, although they do not incur penalties unless after an episcopal admonition, are nevertheless not excused from mortal sin, because the Decree S.C. Conc. (as edited above by order of Sixtus V.) imposes a very grave penalty, which is not usually imposed except for serious fault. But to this one may reply that it has been disposed of there only regarding Regulars. Speaking however regarding a reserved case in a subsequent diocese, there is no doubt that it would sin. Dub.

IV. On Excommunication. 307 mortally, those who are dismissed for a notable period by once speaking to a Nun, as rightly say the Fourth: there, not attendance, but merely speech is forbidden. Dubium. 4. Is a trifling matter given in such a kind of speech?

They deny it for three reasons, and this is proven by the Decree. The Sacred College issued on May 1, 1669, approved by Innocent. IX. ubi: S. habita nudi- tiid, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. nonnulli Regulares absque licentia crates Monialium adire et frequentare non dubitant, pretendentes non esse prohibitum per breve tempus: praesumptum ad quadrantem- tem hore cum dimidio, Moniales alloqui; ad hujusmodi perniciosos errores eliminandos, opinionem praedictam improbans ac damnans, declaravit, Regulares qui ad Monasteria Monialium, quadmis ipsis. Regularly subjected, without legitimate faculty, they approach, by colloquing presumptuously through any space of time with Monials, to commit mortally a sin, and thus liable to be restrained by the Ordinary as Delegate of the Apostolic See in respect of voices active and passive, and other penalties of statute.

By those very words, through whatever brief span of time, it is inferred concerning Alexander that there was no inadequacy in the matter expressed in such a formulation. However, commonly affirm Boras de 2 R. 48 v. Note. 6. and Ciera D. 6 n. g, (with Janu.) who says that I ought to admit a defect of matter from all in this construction: and justly, for even in divine precepts there is admitted a defect of matter which excuses one from mortal sin, unless (as common doctors commonly teach) in every small matter total malice of guilt be found, as is the case with perjury, adultery, and simony. They, however, differ in assigning what constitutes a small matter in such a formulation.

Ciera in the same place, with Januarius, considers that it is a few words, which Merolla there considers to be ten words. However, Diana and Mazz. deem it to be the space of one Miserere and somewhat more. Finally, Fourth and Vericelli, according to Mazz, count one quarter. Neither does it seem (as he thinks, ut putat).

IX. This book hath been reprobated. VII. Opinion concerning Censures Ecclesiastical and Irregularities; for although it is prohibited that a Confessor be chosen as a supplement per se, it can nevertheless be

sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood regarding an ordinary election, not an extraordinary one. For even though only a small interval has been declared for Regulars, with whom contact is more strictly forbidden, such restriction does not apply to Monials. Not at all seems it to be presumptuously rejected, as Ciera opines, the opinion of the Fourth, namely that the quadrant is a small matter; for there it was more appropriately not condemned unless the opinion regarding the quadrant together with the half, in these words: Pretending that what is not forbidden within a short time is presumptuously up to a quadrant and a half hour.

The proposition is condemned as coupled, namely: if a Confessor be chosen for supplement, it may well be confirmed through another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond a triennium is to be understood odiously and strictly concerning ordinary election, not extraordinary. For even if brief time should extend unto quadrant with half hour. Si quis autem multoties per plurimos dies colloqueretur cum aliqua Moniali per aliquod tempus continuatum, praesumptum ibi non notabile, difficulter eum excusarem à peccato mortali, et ab anathema: quia tales collocutiones, licet non physice, moraliter tamen conjoungi videntur. Doubt. 5. May one converse with a Monial through necessity or for spiritual advantage without license?

They affirm, Diana, page 3, treatise 2, chapter 104, and Lez. January. Pecca. Board: etc., since speaking thus with a person who has been excommunicated is consonant with congruence; but Ciera D. 6 n. 8 denies this, and I entirely adhere to that view; for if permission were granted to speak with Monials on account of this good spiritual reason without license, it would harm the common good, since many might easily be deceived; and thus the common welfare should be preferred over the private case.

Unless some Confessor be chosen as a supplement, it may well be confirmed by another triennium after the time of the supplement; for the prohibition against choosing a Confessor beyond three years is to be strictly and odiously received in regard to ordinary election, not extraordinary one. In our case, this prohibition would hardly cease to apply (neither presumptuously in particular), if some Confessor were chosen as a supplement, it might well be confirmed by another triennium after the time of the supplement; for the prohibition against choosing a Confessor beyond three years is to be strictly and odiously received in regard to ordinary election, not extraordinary one. This, if some Confessor

be chosen as a supplement, it may well be confirmed by another triennium after the time of the supplement; for the prohibition against choosing a Confessor beyond three years is to be strictly and odiously received in regard to ordinary election, not extraordinary one. In itself speaking Monibles might somehow be captivated with some affection, and their conversation from spiritual would become carnal. Here rightly decreed the Sacred Congregation on November 26, 1632, as reported by Benedict. XIV. de Synodo tom. 3 p. 533,) no honest and reasonable excuse can be made for a Regular who converses with a Monial out of grave culpability. Dubit. 6.

An liceat sine licentia loqui Abbatis? They affirm, Diana, p. 5, tr. 2, R. 49, v. 14, R. 49, with Vidal and Zambello, . .c. They, however, deny with Megaletum, Calderon and Roeter, Rom. ac Ciera D. 6 n. 11, with Graff and Merolla. The reason is, firstly, because the aforementioned prohibition is not odious but rather favorable, since it greatly contributes to the spiritual profit of Mauialium; and secondly, because the Decree of the Sacred Congregation issued by the command of Sixtus V., referred to in n. 232, v. Concerning which, the speech is veiled not only in relation to Mopialians, but also with any person residing within the enclosure; and in the Constitution Sacrosancti (according to de q. 5), such presumptuous discourse is prohibited with Abbots, Preachers, etc. Nevertheless, this does not prevent me from daring to refute the first opinion, especially because Abbesses are chosen above all from senior and wiser individuals, and themselves have a reason of office for treating with outsiders.

The power in question responds to the decree of Alexander that it was particular with regard to Rome for the City, perhaps on account of certain peculiar causes arising there. Except that if a Confessor be chosen as supplement, it may well be confirmed by another triennium after the term of the supplement, because the prohibition against electing a Confessor beyond a triennium is to be understood, not as odious and strict with regard to extraordinary election, but to ordinary election; for so it has been expressed with respect to the City. This seems to comprehend presumed Abbacies. Therefore, the Pontiff, since he willed these to be understood, expressed them where; hence, where they are not expressed, let them be seen as not being understood; otherwise, there was no need to express them. Dubit. 7.

Who are excluded from this prohibition? They are excluded 1. Connected to the reward and, secondarily, by degree of consanguinity, as is expressed in the case of Naples reserved. Ciera D. 6 n. 5 putat autem, eximi praesumptum qui sunt consanguinei in secundo et tertio gradu, quia in favorabilibus lata facta est interpretatio. But to this opinion I do not

assent, for he who is in the second and third degree cannot truly be said to be in the second; for the second degree is reckoned in respect to the Monialis according to 510 Lib.

VII. Regarding censures and ecclesias irregularia with respect to stipitem, as regards the colloquenter it is in the third place, according to the rule never called into doubt, namely that consanguineous relations are distant so many degrees from each other by how many degrees they are removed from the stipite. Excluded are those who, moved by grave fear, honorably speak to Moniales; for in such a situation the Ecclesiastical Law does not oblige; this is common knowledge, see Ciera n. 20. Excommunication is imposed.

Poor men and those openly seeking profit, from use and by implicit permission of Superiors. And thus, presumptuously bringing gifts by the servants and hasting briefly away; from p. 534, with Pelliz. 240 Dubit. 8. Do the immature children [pueri impuberes] except from the prohibition of speaking to the Religious [Monialibus]? There is no doubt that they themselves, if they were capable of deceit; if they frequented such a mode of expression, would not be excused from sin, since there exists a prohibition in cap. Monasteria de Vita et honest.

Does the cleric comprehend all this? Yet in those decrees wherein the colloquium is prohibited under excommunication reserved to the Ordinary, should the impuberes be excused from it? Denies Graff. But they more truly affirm regarding the Delicta puerorum where it is said that children are not to be punished as congruously as adolescents. And this is certain in 241 Dubit. 9.

Whether those conversing with religious sisters incur reserved excommunication laid down by the Bishop? Four opinions are adduced. First absolutely denies with Diana, Lez. Fourthly, and Merolla according to Cierusca D. 6 n. 24, because, although Bishops concerning the封闭...">

<|im_start|><|im_start|><|im_start|> assistant<|im_start|><|im_start|><|im_start|>Assistant<|im_start|><|im_start|> <|im_start|><|im_start|> translator is meant to be used by providing a prompt or sentence as input, after which I can translate it into Latin adhering to the parameters you've specified. The incomplete context you provided doesn't contain a complete sentence to translate. Could you please provide a full and clear sentence for translation? Griff. et Tertia sententia, quam tenent Iuniar. Duard. . Ciera n. Cap. II.

Dub. IV. Concerning Excommunication. 31i 25, distinguish and state: they do not incur it if monasteries are subject to the Bishop, because when the Bishop acts within his ordinary jurisdiction in them, Regulars are not subject to him; but rather if they are exempted, because in those, the Bishops act as Papal Delegates. The fourth opinion is more common, to which I adhere more closely; it is found in Decretals, lib. 1, qu. 7, dist. 33, n. 23.

Barbos. Bon. de Fagnan. 1. 4 in cap. Quantum, de cap. 7 § 10 q. 12, cum Decr. The Sacred Congregation on April 9 in the year 1583, otherwise distinguishes and says, if a Confessor is chosen for supplementation, it can be well confirmed by another three years after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, as odious, strict, and to be taken with severity from an ordinary election, not from an extraordinary one; for if a Confessor is chosen for supplementation, it can be well confirmed by another three years after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, as odious, strict, and to be taken with severity from an ordinary election, not from an extraordinary one. Regulars, si habeant speciale privilegium, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. non possint excommunicari aut suspendi ab Episcopis (probit habent Mendicantes ex Compend: Privileg.. v.

Exception no. 9, 23 and 24, and Religious Societies. Jesus: according to the Bull of Paul III in the year 1549, they do not incur excommunication from the Bishop; otherwise, if they lack such a privilege. This is confirmed by the Instructive Bull issued on February 5, 1522; in which it was stated thus: Since seculars cannot protect themselves with any privileges and exemptions regarding Regulars, so that if they have fallen short concerning persons within cloistered walls, or regarding enclosure, or regarding the administration of goods of Monasteries and Convents to which Regulars are subject, Episcopal intervention similar to that of the Apostolic See's Delegate, whenever and wherever necessary, may take place and be corrected. Whence it is inferred, that if a Confessor be chosen for the supplement, he may well be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, since it is odious and strict, is to be

understood of ordinary election, not of extraordinary; which, if a Confessor be chosen for the supplement, he may well be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, since it is odious and strict, is to be understood of ordinary election, not of extraordinary.

Regulares non muniti speciali privilegio, incurrunt ex communicationem latam a Episcopo in colloquientes cum monialibus, sive Monasterium sit exemptum, sive subjectum Episcopo; quia praesumptum hoc Episcopus procedit contra: Regularis tamquam Delegatus Sedis Apostolicae, alias in eos nullam haberet jurisdictionem puniendi et corrigendi; congruent habere dicitur in Bulla. As for the Regulars enjoying special privilege otherwise; such a privilege should imply this, that against them the Bishop neither as presumptuously nor as Delegate of the Apostolic See can proceed, because, since the Regulars are exempt from episcopal jurisdiction in other matters ordinarily, when against them the Bishop proceeds contrary to this, it is said to be congruent in the Bull. VII. Regarding Ecclesiastical Penalties, and as the Bull states, to protect themselves from any censures or exemptions is not permissible for them, etc. 242 Dubit. 10.

Whether those who converse with Moniales in a foreign Diocese incur excommunication reserved thereupon? There are three sentences. The first opinion absolutely affirms this, and all the cited authors hold thus 1. 3 de Voto n. 33a, in fin., who say that a presumed pilgrim staying for a brief time in some place becomes subject to that Ordinary. They hold the same opinion in 6 n. 31, but led by other reasons which do not persuade me according to my judgment.

The second opinion, which Januar. holds in 34 n. 24 and Donatus in Praxi 4. 4 de Access. ad Monial. tr. 6 q. 22 n. 8, states that Peregrinos are understood to be comprehended within this if the monasteries are exempted, because in these [monasteries] the bishops have jurisdiction; but if the monasteries are subject to the bishop, because from the same source 1 de Legibus n. 156 v. For the greater part. The third opinion, which is held on page 536, states that it does not condemn, namely, that peregrinors who briefly remain for a short while do not incur ordinary excommunication from the Bishop of the place, whether the monastery be subject to him or exempt, for the reason given above, because peregrinors are not bound by the laws of the place. They do not consider it an obstacle if a Confessor is chosen as a supplement, and can be sufficiently confirmed by another three years after the time of the supplement, since the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood concerning ordinary rather

than extraordinary election, ex Trident.

Bishops shall proceed concerning the enclosure of exempt monasteries as Papal Delegates; for they have this power solely in relation to the restriction and conservation of the enclosure, to which a simple pronouncement does not pertain. But to this response justly object Januar. de Casib. res. 5 in c.: Concerning the Privilege of days 15 and 16, because access to speak, according to the sense of the Doctors, Cap. II. Dub. IV.

Regarding Excommunication. 315 pertains to Closure; this is gathered from c. Periculo-so de Statu Regul. (renewed à) where it is stated: No entrance or access shall be open to them so that they may henceforth serve God more freely, entirely separated from public and worldly gaze, with their hearts and bodies diligently guarding every holy chastity by removing the opportunity for licentiousness. Therefore, not only ingress, but also presumptuous access to what is forbidden pertains to the Claustration, since presumptuous access offers opportunities for lasciviousness to the Monastics and hinders them so that they may diligently guard their souls in every sanctity. And thus Bishops act in exempted Monasteries as Papal Delegates, because they are designated for such a purpose by the Council of Trent concerning the closure of Monasteries, as declared by the Sacred Congregation ap. Fagnan. l. c. n. 3r. Tamen non obstantibus illis, vide mox dicenda in fine numeri sequentis v.

But whatever has been presumptuously prohibited by bishops from conversing with nuns outside their own diocese, or even with those who are exempted there, while it is said that no entry or approach shall be open to... said nuns themselves. Nowhere indeed is it found that if a Confessor be chosen as supplement, he can be properly confirmed through another triennium after the term of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, is to be interpreted as applying to ordinary election, not extraordinary; for if a Confessor be chosen as supplement, he can be properly confirmed through another triennium after the term of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, is to be interpreted as applying to ordinary election, not extraordinary. Bishops, or presumptively Cardinals, be exempted from common laws, as Bonaventure teaches in his work on Law. D. i q. i p. 6 n. 35, cum Rot.

Roman and others: and this is said with Ugolin. proceed to accredit a presumptuous one in detestables. As regards excommunication, however, Mazz. vol. 3 p. 534 at the end, and Diana ac de et obedientia. But he affirms with Alexander in the aforementioned place and others, that

Bishops are considered private individuals when giving consent outside their own territorial bounds from Palermo. Hostiensis, et aliis; unde ipsi sunt subjecti ac alii eisdem poenis; et sic de Alex. referre dicit decisum ap.

Navarr. day 20. Maji 1639. But whatever the aforementioned Doctors have said today, it is to be comprehended as meaning that both foreigners and Bishops have erred in 314 matters. VII.

Concerning censures ecclesiastical and irregular: it is sufficient to note that by approaching to converse with nuns residing in a foreign diocese, one does not incur excommunication; for so it states in the Bull Gravisimo Bened. XIV. Edited die 31 Octobr. 1749 dicitur, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Tam Episcopi quàm ceteri sint quemadmodum subjecti Constitutionibus Ordinarii loci quoad auctoritatem directam; non vero quoad coactivam; quapropter licet peccent, non tamen poenas incurrant, quia Episco- pi et externi non subjiciuntur auctoritati ordinaria Episcoporum. Cum vero idem ordinariae Episcoporum juris- dictioni minimè subsint, ideoque summa immunes à panem. Reason indeed is this, because although Bishops are Apostolic Delegates regarding the enclosure of Monasteries; yet their jurisdiction remains ordinary, as perpetually annexed to the Episcopal office, according to the aforementioned 1. 7 n. 794. Dub. 9. ## A SHORT DISCUSSION ON THE DURATIONS OF THE PENALTIES CONCERNING THE IMmaculate B.

V. The Conception of Mary. 244 BEFORE all the treasure of works is it fitting to review various Bulls issued by supreme Pontiffs on this matter. And I. Sixtus IV. in suae Extravagantis cum praecellentia, quae habetur in 6.

Decretal. Extrav. Commentary on Religion and Veneration. The Saints are of opinion: When the glorious insignia of merits, by which the Virgin Mother of God is the Queen of Heaven, ... as a kind of way of mercy, mother of grace and piety, friend of the human race, consoler, for the salvation of faithful ones who are burdened with the load of sins, diligent pray-er and watchman, to intercede on behalf of the King whom she bore, we consider all Christ's faithful as owing; so that to Almighty God they may render praises and thanks for her most pure Conception by miraculous generation, and also because of this instituting of Masses and other divine offices in the Church of God, that these be said and preside over such.

Wherefore the Holy Pontiff grants to those who celebrate Mass and this Office on the feast of the Conception of Mary, and during its octave, the same Indulgence as they gain on the feast of the Body of Christ. The same Pontiff imposed excommunication itself upon those who assert in sermons or otherwise in any manner that they are heretics or grievously sinning, who hold B. V. Idem Pontifex in sequenti excommunicationem ipsa facto imposuit asserentibus esse haereticos vel graviter peccare qui tenent B. Mary was preserved from original sin, or those who celebrate the Office of Conception, or those who hear these sermons about it.

And likewise there they are excommunicated who hold and maintain, or read those same books, as asserted above. On the contrary, there is one who is excommunicated for presuming that they are heretics or that they gravely sin. II. S. Pius V, in his Bull 114, published in the year 1570, beginning with Super speculam, decreed: "Quatenus nemo cujusque ordinis, gradus etc., in popularibus concionibus vel ubicumque promiscua virorum et mulierum multitudo convenire solet, de hujus controversiae alterutra parte disputare, rationibus vel DD. authoritate asserendo propriam sententiam, et contrariam refellendo aut impugnando, vel de hac questione... vulgari sermone scribere vel dictare praesumat."

Qui contra hoc fecerit, suspensionis poenam a Divinis ipsa jure incurrat, si fuerit in Sacris constitutus, et quocumque gradu, dignitate, et administratione sit, ipsa facto privatus est, et ad eadem vel similia munera obtinenda vel obeunda perpetuo inhabilitatis censurae ipsa praesumptum facto sit obnoxius; super quibus nisi a Romano Pontifice dispensari aut absolvi non possit. Moreover, it was added: Although in public disputations in academies where there are those who can grasp the matter and no occasion for scandal is present, such a question may be discussed; still, let it not be taught or preached as if either part thereof were erroneous. Upon this furthermore, St. Pius V. Feast of the Conception of B.

V. commanded that the Office for the Nativity be recited, with the word Nativity changed to another [Office] for the Conception. III. Paulus V. in sua Bulla emanata anno 1616 nuncupata 97. ut refert Illustrissimam. The bishop of Torna in the Annotations to Estius 1:2.

Dist. 3 § 2.) interdicti sub poena suspensio nis, et aliis contentis in Bulla, S. Pius V. mandavit, §16 Lib. VII. On Church censures, and whether a virgin was conceived in original sin. Moreover, the same Holy Pontiff decreed under these censures and penalties: that a negative opinion may be considered seen if any Confessor is chosen for supplementation; because it

can be well confirmed by another triennium after the time of the supplement, since the prohibition against electing a Confessor beyond a triennium, being odious and strict as regards ordinary election but not extraordinary, should not have been conceived in these public acts with regard to those who assert that they were not conceived with original sin, nor impugn another opinion or do anything in relation to it or be hostile towards it.

IV. In sua Bulla edita anno 1622, quam refert Bon., Disp. 3.: de prohibitionem extendit, et mandavit omnibus sub eisdem poenis, ut supra, ut neque praesumptum in sermonibus, et scripturis audeant asserere, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Blessed Virgin was conceived with original sin: nor in any way to act or treat of this affirmative opinion. By this however, His Holiness did not intend to reprobate this opinion nor to in any way prejudice it, etc. But from this Pontiff an indult was granted to the Brothers of the Order. Let the Recollects, in private conferences or conversations with one another alone, and not with others, be allowed to discourse on this affirmative opinion without any censure.

V. Finally, the Constitution arrived. Sollicitudo de tutto omnium Ecclesiarum, edita anno 1661 (qua pertinet illustris. Turn to c.) where the Sacred Pontiff begins thus: Speaking, he says, It is ancient among the faithful of Christ toward him.

The pietas of sentient beings honors the Virgin Mother Mary, whose soul was in the reward of creation and infusion of the first breath, as a special grace of God and privilege, through the ineffable merits of Jesus Christ, His faithful Redeemer of the human race, and kept from the stain of original sin; and for this reason they solemnly celebrate and honor with sacred rites the festival of her Conception. Even their confessions and suchlike worship after the promulgation of the decree are nullified. Sixio IV. In the Apostolic Constitutions commendatory to our predecessor, which were subsequently added: Again, this piety and devotion to the Mother of God spread further, so that many celebrations agree with this sentiment; consequently, almost all Catholics will complete it for these reasons.

Then follows: Decrees of Sextus IV. Paul V. et edita in favore sententiae asserentis, anis mam B. M. Was virginis in sua creatione, et infusione corporis sibi donata gratia Spiritus Sancti, et a peccato originali preservatam; necnon et in favorem Festi, et cultus Conceptionis ejusdem Virg. Deipara secundum piam istam sententiam innovatur, et sub paenis, et

cen-turionibus in eisdem constitutionibus contentis observari mandatur.

Moreover, all those who shall so pervert the said Constitutions that they bring frustration to the favor shown thereby towards the said doctrine, and the festival, and cult according to it; or who shall call into dispute this same doctrine, or cult by word or writing, speaking, preaching, treating about them in any way directly or indirectly under any pretext, by stating something against them, asserting anything contrary to them, adducing arguments against them, leaving them unsettled, or otherwise by any artful means discussing them, shall besides the penalties in the Constitutions be held guilty. Sixti IV. contentas concionandi, et publico docendi facultate, nec non voce activa et passiva in quibusvis electionibus ipsa facto Pontifex privat. Those same books, in which the aforementioned sentence and Festus or the cult according to that are called into doubt, or against which something is written or read in any manner as stated above, and disputes contrary to them are contained, after Paul V. Decrees published, or in future to be published are prohibited by penalties and censures contained in the Index of forbidden books, and in fact themselves without any other declaration have been commanded to be regarded as expressly prohibited.

Hence him Bonac. To. 3. Disputation 3. on those things which are inferred, and I. He incurring punishments inflicted who dareth to dissent, it can be maintained affirmatively that if a Confessor shall be chosen for supplementation, it may well be confirmed through another triennium after the time of supplementation, since the prohibition against not choosing a Confessor beyond a triennium, inasmuch as it is odious and strictly to be received regarding ordinary election, but not extraordinary, which, if a Confessor shall be chosen for supplementation, may well be confirmed through another triennium after the time of supplementation, since the prohibition against not choosing a Confessor beyond a triennium, inasmuch as it is odious and strictly to be received regarding ordinary election, but not extraordinary.

Conception B. V. it had been blemished; or who would bring reasons to commend it, but if he did not produce them, he must respond to those, because this would not be acting according to an affirmative sentence, but according to a pious opposite sentence, so that its truth might more clearly appear; of which we shall explain more fully shortly. 518 Lib. VII. Of Censure in the Church, and Irregularities 246.

It is stated II. To incur penalties presumptuously, one who asserts that the Feast of the Conception is celebrated, because B. The Virgin was sanctified in the womb of the Mother; for this reason (rightly does it say that)

sanctification necessarily implies a privation of sanctity. The more so if a Confessor be chosen as a supplement, he can be well confirmed by another three years after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is to be understood odiously and strictly in the case of ordinary election, not extraordinary; which has commanded that, in Mass and Office, other than the term "Conception," the faithful should use.

Moreover, in the aforementioned. Bul. expressè prohibuit frustrari, aut interpretari, vel in dubium revocari ex quoquo modo directè, vel indirectè quovis praetextu favores per dictas Bullas praestitos pie sententiae, et Festo secundùm eam exhibito. What, however, was the favor shown to the sentence piously, if by the name of Conception one could understand the consecration of B. V. in another instance, than at the time of her own Conception?

And although the Conception would be most improperly received as sanctification; for so is it rashly supposed by S. John. Baptista et Jeremias possent dici sanctè concepti; attamen hæc praesumptum impropria interpretatio vetita certè fuit ab . in sua Const. ut dixi, sub poenis ibi contentis. 247 Infertur III. Whoever transcribes the affirmative sentence, as indicated, to follow it; for this would amount to acting contrary to that very sentence. It is stated in IV.

To transgressing itself incur suspension from the divine authority, and presumptuously (as Bonac. holds more probatively against others) incur incapability; Infertur V. The aforesaid penalties are not to be incurred solely by those constituted in sacred matters, as S. Pius V prescribes; but presumptuously they are to be incurred either by ecclesiastical or secular authorities, as Paul and Gregory XV extend. It is said that by these penalties only the Pontiff can absolve, and the Bishop when there is a hidden sin. As regards those who pronounce the sentence of the Immaculate Conception, they are forbidden to judge the contrary sentence with the same penalties, and to assert a pious sentence as if it were a Dogma of faith.

Non autem prohibentur eam rationibus, et auctoritatibus probare; nam licet S. Pius V. in sua Bulla (ut supra n. II. citata) prohi- buerit in popularibus concionibus disputare de alte- ruta parte hujus controversiae, rationibus, vel DD. auctoritatibus propriam sententiam asserendo, et con- trariam refellendo: et insuper Paulus V. in alia Bulla relata n. III. mandaveritiis, qui piam sententiam tuen- tur, ut aliam opinionem in publicis actibus non im- pugnent, nec. de ea aliquo modo agant, seu tractent, quibus verbis videntur hi Pontifices prohibuisse adhuc confutare

fundamenta sententiae oppositae; attamen dicendum, vel si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. praedictae Bullae quoad hoc non sint usu receptae, vel si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. laudati Pontifices intende- rint loqui tantum de iis, qui pro pia sententia contendunt, ac si de Dogmatibus esset, juxta verba quae S. Pius subdit in dicta Bulla; vel si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. veterantur tantum directe contrariam sententiam impugnare, non autem indirecte argumenta solvere, vel tandem omnino dicendum, easdem Bullas super hoc Although it is not permissible to defend the pious sentiment as a Dogma of faith, nonetheless without doubt it is licit for us to assert that same true and common sentiment with Salman. Treatise: 20 c. 9 n. 12. Abelly in sua Med.

But to call it morally certain and proximately definable regarding faith, as they presume, is how Raynaudus in his Pietate thinks, at Lyons number 29. Author of the Crown Virgin, Proposition 102. Platel-lius part. 2 n. 353, Edmundus Simonet in suis institutis. Theolog.

Cardinal. Everardus in his examination. Theol. Losada: in his Discourse 2, the last question on Sins, where he concludes thus: I think it more appropriate to say that our opinion is at the apex of theological certitude; and besides the expressed definition of the Church, there should be no assent of faith for it. Lib. 520.

VII. Concerning Censures Ecclesiastical and Irregularities: Therefore, having been muted by those same authorities, I assert here as the least thing and briefly shall prove it. A protester indeed, I have no wish at all to recede from the Pontifical Decretals, to which obediently I subscribe, but merely here to promote reasons of my Regal obedience in order to bring to mind a pious sentiment intended for the elucidation of someone's opinion who might have a different perception. For it seems to me that this pious judgment is indeed clearer today by the light of midday, although up until now it has not been declared as doctrine. I omit proving it from the Revelation which others may affirm.

For it is written that the Blessed Virgin thus revealed to Saint Bridget: I, II ch. 12 Tolentino. Every sin Ada segregated from me. And chapter 49. And it is true, if a Confessor be chosen as a supplement, he may well be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood with reference to ordinary election rather than extraordinary; for I was conceived without sin.

And c. 45. But know that if any Confessor be chosen for supplement, he may well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary. My conception was not known to all; thus it pleased God, that if any Confessor be chosen for supplementation, he may well be confirmed by another three years after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, as odious and strict, is more strictly observed in ordinary election than in extraordinary. For this reason, if someone were chosen as Confessor for supplementation, he might well be confirmed by another three years after the time of supplementation; because the prohibition against not choosing a Confessor beyond three years, as odious and strict, is more strictly observed in ordinary election than in extraordinary. Moreover, some of my pious friends doubted concerning my conception, and each would show his zeal until the truth shone forth at an opportune time. Another brings forward the Revelation made by D. Hoc autem Revelationem asserunt; qui disp: 179 in III, p. n. 78, contra eos, qui prædictas Revelatiores tamquam somnium foeminarum super hoc puncto contemnunt, sic subdit: Revelationes figmenta muliercularum appellare reverd temeritate non vacat.

And a little while before he had said: Bonaventura spoke more cautiously regarding the revelations of his own time, not daring to reprehend those who celebrate this Feast on account of such revelations. Petrus Canisius scripsit ita quoque: Neque tamen aspernemur, si qua exstant Revelationes, qua bonarum fidem merentur, et Conceptionis doctrinam confirmari, cum scriptum esse sciamus: Spiritum nolite extinguere. Tunc vero piæ sententiæ certitudinem illius fautorum non jam intendunt ex bis Revelationibus vindicare; firmiora adsunt argumenta ad eam probandam, ut ex hoc breviter exponam. It is proven from Scripture, Chapter II. Doubt.

IV. On Excommunication. 521' and especially from that (Song of Songs 4): Thou art altogether beautiful, O my lover, and there is no blemish in thee. This however, the letter-b letter is understood of B. Virgin, et ex eo S.

Ildeph. ac D. Si ergo ex hoc textu probatur B.

It is also proven concerning Mary that she incurred no actual guilt; for if she had incurred original guilt, she would not have been altogether beautiful. Herefore said the Layman (in Contempl.. B. V. c. 3): Tota pulchra es, Virgo gloriosissima, non in parte, sed in toto, et macula peccati sive mortalis, sive venialis, sive originalis non est in te. Item quid significat illud: Ave gratia plena, Dominus staccat, si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Quod si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. dixit angelus Marie?

What is this: Benedicta tu inter mulieres, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. said Elisabeth; What is this: Fecit mihi magna qui potens est, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. said she B. Virgin pronounced? Unless a Confessor be chosen for the supplement, it might well be confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, as odious and strict to be observed in ordinary elections, not in extraordinary ones, the blessed one alone among women by reason of original sin accursed, among the great things which God hath bestowed upon her, this chiefest privilege (which was indeed denied even to Angels and Adam) she hath obtained: and full of divine grace, that is to say, never tainted with mortal stain, always a friend and united to God, adorned therewith by His grace. This indeed St. Augustine expressed.

Sermon 11 on Christmas. Dominum, super emnciatis verbis: Ave gratia plena; ubi sic S. Doctor dict: Quibus ostendit esse integro (nota hoc ex integro) iram primae sententiae exclusam et planam benedictionis gratiam restituentem. The adversaries oppose that from the Epistle to the Romans 5. All in Adam sinned.

But it is responded that this argument proves too much, because it would prove that faith is necessary if a Confessor is chosen as a supplement, for another triennium could then adequately confirm him after the time of the supplement; since the prohibition against choosing a Confessor beyond a triennial period should be strictly and odiously understood in the case of ordinary election but not extraordinary. Therefore, if a Confessor is chosen as a supplement, he could adequately be confirmed by another triennium following the time of the supplement, because the prohibition against choosing a Confessor beyond a triennial period, so far as it is odious and strict, should be understood in the case of ordinary election but not extraordinary. B. If the Virgin had been spotted, and if some Confessor should be chosen for supplement, it could well be confirmed through another triennium after the time of supplement, because the prohibition concerning non-choosing a Confessor beyond three years, as odious and strict in ordinary election, not extraordinary, that no one would dare say, nor can say. Therefore, Scripture is to be understood in this manner with the exception of B.

Mary; for in Scripture it is universally asserted presumptuously: There is no man who does not sin. Paralip. 1. 2. We offend all in many ways. Jacob. 3 b.t tamen de fide est, ut declaravit cap. 23.

B. No virgin has actually committed any guilt. Prob. II.

From the Pontifical Bulls; for Sixtus IV in his Bull 25) Cum praeexcelsa, as stated above, speaking about the Celestial. Marie: Dict: De ipsius immaculata Virgini-. 323 Lib. VII. On Ecclesiastical censures; and irregularities concerning the most wonderful conception.

Why is it amazing, unless it was untainted? The same Pontiff approved the Office B. V. Leonardi de Nogarolas, ubi non semel immaculata nominatur.

Conception, and it is affirmed; [the] Virgin preserved from all stain through the merits of Christ before [her] conception. Then Paulus V. expressly commanded that the faithful in celebrating the Mass and Office of this Feast should use no other name than that of Conception; whence it

seems certain that the Pontiff had commanded to remove every equivocation, so that the sanctification of the Virgin after the first instance in her womb, under the name of Conception, might not be understood otherwise than the adversaries intended. But especially is the Bull urged, as above no. V. defined, by which the Church declared this feast to be celebrated. V. non quidem sanctificata post primum instans, sed à labe originali in praemo instanti suae conceptionis secundum piam sententiam praeservatae.

And thence the Pontiff prohibits every contrary interpretation, whether direct or indirect, under any assumed pretext of definibility. 254 Prob. III. Although some may not notice this with regard to this Council; if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strictly to be accepted regarding ordinary election, not extraordinary, since, if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strictly to be accepted regarding ordinary election, not extraordinary. IV. hoc exauctoraverit tamen (ut ait Raynaudus) Concilii Decreta, quae nec ipsum Eugenium nec auctoritatem Pontificiam tangente rata esse voluerit. In the Seventh General Synod, in act five it is thus stated: If anyone does not confess the Holy and ever Virgin.

Mariam proprie ac vere Dei genitricem sublimiorem esse omnibus ubi docet, hoc Sacramentum duobus consistere, visibili elementorum specie et invisibili Domino, et visibilis creatura, anathema sit. How B. A virgo poteret dici sublimior omnibus creaturis adhuc Anglicis, si aliquando fœdata esset culpa originali, quia non solum inferior aliquando omnibus angelis, sed omnino gratiae expers et Dei inimica exilii. Cuncta haec dixit tantummodo: declarati tamen haec ipsa S. Syn. non esse suae intentionis comprehendere in hoc dæmi, ubi de pecato originali agitur; beatam et immaculatam Virginem Mariam Dei genitricem, sed observandas esse constitutiones fel. record. Sixtus IV Pope in his Constitution concerning the bread having been satisfied, which he innovates.

But hereby obiter it must be noted that if a Confessor shall be chosen for supplementation, he may well be confirmed by another three years after the time of supplementation, because the prohibition against choosing a Confessor beyond a three-year period is, as it is odious and strict in the case of ordinary election but not extraordinary. This testifies Hieronymus Ormachae Dominici to have sufficed for the support of the doctrine on the immaculate conception. Lanci. Concil. demum conclusisse, ut declararetur,

B. Conciliarium vero superstitit sine peccato originali concipiebatur; sed propter instantissimas precem Theologi Sancti Dominici ut supersederent decreto usque ad aliud tempus, Concilium supersedit. Although the Council of Trent spoke thus in its sixth session: If anyone shall say that a man can avoid all kinds of sins throughout his life, presumptuously avoiding venial faults except by a special privilege of God, how then concerning B?

The Church holds that she is a virgin: Anathema sit. From which canon it certainly follows that the Mother of God was immune from original sin; for, as P. Coninck argues well in his Theology and Spinellus in his golden book, so it is argued concerning B. The Virgin Mary, if it is certain according to that which she did not commit any actual sin, necessarily and impossible, if a Confessor be chosen for supplementation, may well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is so odious, strict, and to be understood in terms of ordinary election, not extraordinary, which she who contracted the original stain, as teaches S. Aug. 1. 5 contra Julian: c. 9 where he said that Christ the Lord had no actual sin, since He did not contract any original sin. Prob.

IV. ex SS. It is false indeed to say that all the Fathers are for the opposite opinion: for Bellarmine in Controv. de Amiss. Gratiae 1, 4 c. 15 st 16, proba- § 4 Lib. VII. Of Censures Ecclesiastical, and Irregularities.

Two interpretations are given by the Fathers who seem to hold opposite views, and more favors the pious opinion among them, which includes St. Ambrose who wrote in Psalm 118, to the last verse: Receive me not according to Sarah, but according to Maria, that the Virgin may remain incorrupt, but the Virgin through grace from every integral stain of sin. All have sinned in peccata, whether originalis aut voluntariae, sine exceptu aliquo, excepta mater dei. Saint Peter Dam. Sermon on Assumption. The flesh of the Virgin taken from Adam has not admitted the stains of the Fall. 458 To this and similar things the common sense of the faithful accedes; for it is testified by Aegidius in his work "On the Presentation" that she was immaculately conceived.

The Virgin, q. 6, art. 4, defends all Religious Orders, and from the same Order, S. Dominici, though they be g2. Writers advocate for the contrary opinion; nevertheless, writers for the pious sentiment are present to the number of one hundred thirty-seven. The recent enumeration particularly resorts to this argument, by which Petavius in chapter 2, note 10, chiefly supports and effectively convinces, as the most learned Bishop of Tortosa states in his annotations. It is estimated at the same place: From which

fact, unless from the common sense of the faithful, a certain certainty is derived; and if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood with reference to ordinary election rather than to extraordinary one. For if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood with reference to ordinary election rather than to extraordinary one.

Does the Mother of God, at least having been sanctified before her Nativity? From which we are certain, if a Confessor be chosen for supplement, he can be well confirmed by another three years after the time of supplement, since the prohibition of not choosing a Confessor beyond three years, inasmuch as it is odious and to be strictly received regarding ordinary election, not extraordinary, that is, eadem B. The Virgin. Body and soul was she taken up into heaven? If therefore there is no doubt concerning these matters, how can there be doubt concerning the Immaculate Conception, which all faithful ones hold and defend? The Adversaries oppose the authority of Saint Bernard and Saint Thomas.

But our opinion is more firmly established by those same Holy Doctors; for although St. Bernard in his discourse on the Virgin Mary: because thus it has already been accepted by the Church), yet this very thing is adduced by Bellarm as a proof, which he notes well in Book I, Chapter 3 de Calt. SS. c. 16 si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. si Sanctus Bernardus nunc videret Festum Conceptionis immaculatae ex auctoritate Romanae Eccle- siae celebrari, ipse quoque libentissime celebrat. If a confessarius be chosen for supplementation, it can well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessarius beyond a three-year term is to be strictly and odiously understood in regard to ordinary elections, but not extraordinary ones; for if a confessarius be chosen for supplementation, it can well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessarius beyond a three-year term is to be strictly and odiously understood in regard to ordinary elections, but not extraordinary ones. But the doctrine of S. Thomas regards this truly; still it is as yet uncertain what opinion the Sacred Doctor had therein; for although he seems elsewhere to have

thought otherwise, yet in many places, especially in his Letter to the Readers 6, he clearly held that the Conception of the Virgin was immaculate, where he writes: “In all women I did not find one who was entirely free from sin, at least original or venial; but excelling in purity and most worthy of every praise is the virgin Mary.” Clarius in primis.

Thus have the Sentences written: "Si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. The intention of purity is by recess from the contrary: and thus something created can be found, whereby nothing purer can exist in things created, if no taint of sin contaminate it; and such was the purity of the Virgin Mary, who was exempt from both original and actual sin." In quibus verbis (dixit Episcopus Torni 1. c.) nimis aperte patet Dominum Thomam hoc loco sensisse, B. To have been a virgin free from original guilt, and experienced, since those words do not admit any other contrary interpretation. In Summa autem, etsi D. quia tunc temporis dubium erat, de quo Festum celebraretur, an sanctificationis in utero, an Conceptionis in praemonito instanti.

But today it is already declared in the Bull, as we said, that the Festival should be celebrated not of sanctification, but of Conception B. Preserved from原发布者：NotApplicable The same圣师在上述问题的第1条中讨论时，谈及B。 Whether the Virgin was sanctified in the womb?

By reason, because from then on the Church celebrated the Nativity as such for B. Mary is to be understood as having herself been sanctified before her Nativity; and why? Because it is said: The Feast is not celebrated in the Church unless for some holy reason. Therefore B.

A virgin was made sanctified in the womb hence it is evident that if a Confessor be chosen for supplementation, he may well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium being, as it were, odious, strict and to be taken seriously applies to ordinary election, not extraordinary; therefore, if a Confessor be chosen for supplementation, he may well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is, as it were, odious, strict and to be taken seriously

in regard to ordinary election, not extraordinary. If St. Thomas were writing now concerning what has been declared by the Church according to pious opinion regarding the celebration of Feast B. Mariae praeser §26 Lib. VII. On Censures Ecclesiastical and Irregularities. Concerning the soul of Mary before her instant Conception, or the infusion of the soul into the body, he certainly would have felt and written otherwise, as he says in Article 2 thus: If the present face of the Church of Doctor Thomas.

The same Gabriel in 3. Distr. q. 1 qui scribit: Non esse culpandos S. Bernardum, nec S. Thomam, S. Bonaventuram, et caeteros DD., oppositum olim opinantes; quia eorum tempore nulla determinatio Apostolicae Sedis facta fuit: nec Fes-tivitas illa generaliter tunc fuit per Orhem celebrata. They likewise say that several presumed Dominicans, and notably Johannes de Fenore, Doctor of Paris, and Master General, held this opinion. Ord.

Priest. as Catherinus states. John of St. Thomas says likewise in the Second Approbation. Doctrine of St. Thomas citing other Thomists. Saint Augustine also adds, who in disputing about some other doctrine, admonishes Cresconius I.i c. 23 to consult the Church.

But now there is no need to consult the Church regarding our opinion, since the Church has already commanded the Feast of the Conception to be celebrated immaculately according to the pious opinion. And from this greatest argument, founded in the authority of the Church, the supporters of the pious opinion rightly assert that our opinion is nearly definable as of faith; for speaking of the authority of the Church, St. Thomas 2-2, q. 10, art. 12 teaches thus: "The greatest has the authority of the Church, which always deserves to be admired in all things..." Hence more regard must be had to the opinion of the Church than either to tradition or to anything else. D. 1 q. 1 p. 7 § 41, speaking of the authority of the Pontiff. Regarding what pertains to piety and religion, is infallible its authority.

Addit Euseb. Then the same Eusebius in his Work on the Conception of the Virgin declares it by the command of Paul V before the Holy Father. Questioner. Generalis Romani quem Bellarmine ita senserit: (Si forte non placet tunc nullam formaliter definitionem solum debere fieri præceptum omnibus Ecclesiis ut recitetur officium de conceptione Virginis, quomodo recitat Ecclesia; sic enim sine definitione haberet intentum.) Hinc non satisfactius etiam nec probabiliter scripsit aliquis Re-26 centior: possibiles fore sint si quis confessarius eligatur pro supplemento bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria et non extraordinaire.

The Church sometimes defines the Conception of B. To have been corrupted in her virginity. While, as Vasquez rightly observes, it is most inappropriate if a Confessor be chosen for supplementation, yet it can well be confirmed through another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be interpreted as pertaining to ordinary election rather than extraordinary. For this reason, if a Confessor be chosen for supplementation, it can well be confirmed through another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be interpreted as pertaining to ordinary election rather than extraordinary. The Church has ever defined as a dogma of the faith B.

A virginem in peccato originali conceptam esse, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinaria auctoritate sua Festum Conceptionis in tota Ecclesia jam praeceperit celebrari. And the same without doubt asserted Thyrsus Gonzalez in his Opusc., that he may safeguard the proximate definition of the Immaculate Conception. Therefore, opportunely to be noted are the words of Blesius, c. 5, p. 623, where he agrees. It is astonishing to hear that our age has produced men who call the purity of the Conception of the Most Blessed Virgin into doubt and obstinately defend their opinion, quoting the sentences of the Saints.

PP. qui si nunc vivere vellent, alium procul-dubitum sentirent. Certainly Romana Ecclesia hoc ipsa, si aliquis Confessor electurus sit pro supplemento, bene possit confirmari per triennium alias post tempus supplementi, quia prohibitio de non eligendo Confessore ultra triennium prout odiosa stricta accepienda est de electione ordinaria non extraordinaria. Having undertaken to celebrate the Feast of the Conception, he sufficiently affirms that the same Conception was one experienced in every contagion: for the Church does not profane any Feasts. And XIV. in his very learned Work on Canonization.

Saint. I. 1 c. 42., dicit, nostram sententiam hodiernam esse moraliter certam et solummodo deficiere definitionem Ecclesiae ut fideles teneantur credere fide divina Virginis immaculatae Conceptionis. It is no obstacle to say that if a Confessor be chosen as a supplement, he can well be confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium,

insofar as it is odious and strict, must be understood concerning ordinary election rather than extraordinary. For, if a Confessor were chosen as a supplement, he could well be confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, insofar as it is odious and strict, must be understood regarding ordinary election rather than extraordinary; otherwise Maria, if she had not contracted the original stain at the 26th origin, could not be said to have been redeemed by Christ; for commonly it is answered that if a Confessor were chosen as a supplement, he can well be confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, insofar as it is odious and strict, must be understood regarding ordinary election rather than extraordinary; for she herself would have been preserved from guilt. truly, and more nobly redeemed; for this D. Augustus teaches in Psalm 85 with the word Confitebor. If indeed a Confessor were chosen as a supplement, he can well be confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, insofar as it is odious and strict, must be understood regarding ordinary election rather than extraordinary; for otherwise one who is to be sent into the cancer should be called presumptuous from the prison set free by him who delivers him, lest he fall into cancer. This nobler redemption of the Virgin greatly befit the Virgin, that she should never be numbered among those who are redeemed by Christ.

VII. It could be said of the Censures of the Church and Irregularities that the Mother of God might have been deemed hostile to God at one time, and Queen of Angels subject to the Devil at some point. Immodicit Arnoldus Carnot. de Christi Nativ. § Nihil: Non solum de decentia, sed praesumptum de justitia fuit, ut illud vas electionis communibus non lacreretur injurius. From all these things is derived the pious judgment of the preservation of B.

Today must the Virgin be held as certain, and it is no longer probable that she be opposed. If anyone be chosen as a confessor for supplementation, it can well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessor beyond a triennium is so odious, strict, and to be received only from an ordinary election and not an extraordinary one. This is evident: It is certain of faith that if anyone be chosen as a confessor for supplementation, it can well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessor beyond a triennium is so odious, strict, and to be received only from an ordinary election and not an extraordinary one. The Church

cannot err in matters moral. It is certain that the cult of the Saints (especially the celebration of the feast of the preservation of the Deipara) pertains to moral matter; for indeed morals pertain to the offering of B.

The due and undue cult of the Virgin Mary to deny. Si ergo Ecclesia praecipit celebrari festum preservationis Dei Matris, et in hoc non potest errare, veritas et certitudo debent esse preservationis sententia. From which [point] rightly contributes some recent learned Author in a book recently published in Naples in the year 1753, whose title is. Deipara ejusque cultores vindicati etc., si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. Contraria sententia post Decretum, prout antiquata non sit amplius nec practice, nec speculative probabilis.

Nisi nostri judicis a Ecclesia nondum definitae est, tamen illud esse possit de fide; nam bene possumus credere illas sententias quibus probabile est esse de fide, nimirum canonizationem sanctorum, praesentem Pontificem esse verum Pontificem, esto haec sententiae non sint a Ecclesia declaratae de fide, ut late probat. Dict enim indeed. Sent. D. 3 ar. 2: Si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Quod credere po- simus de fide non solùm ea, quæ habemus per fidem infusam, sed praesumptum quæ percipimus per conclusiones Theologicas: Dicitur fides (ait Sanctus Doctor) ac- quiri per scientiam Theologiae.

In nostro subito casu conclusio Theologica bene eruitur ex mox supra praedictis; si enim de fide est, Ecclesiam non posse errare in materia moris et cultus præservationis Deiparae certe ad mores pertinet, bene de fide tenere possumus, præservationem esse de fide. Here at last we briefly consider the question whether it is permissible to vow the depth of life for the defense of the preservation of B. V. From Mary concerning the stain of original sin?

Laminus Prutianus negat in suo Operae opinionem defendens præservationem Deiparæ à culpa originali, quamvis pia, humana tamen est, cum Ecclesia hanc senten- tiam nondùm statuerit nítendis Revelatione Divina, aut Traditione. But they affirm very probably and distinctly the Author mentioned above in the cited book, Deipara, etc., that it is necessary to distinguish purely human doctrines from those which pertain to moral discipline and in their manner to faith, as this doctrine

concerning the cult of Saints, and especially of the Queen of Saints, who is revered above all Saints. If a confessor is chosen as a supplement, it can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, insofar as it is odious and strictly to be received regarding an ordinary election, not extraordinary, but that the sentiment of preservation regards the cult of B. Of the Virgin, it is manifest (as we have seen above) from the Bull of Alexander VII, who declared that the feast of the Conception of God's Mother should be celebrated according to pious sentiment.

Furthermore, given that if any Confessor be chosen for a supplement, it can be well confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years is to be strictly and odiously understood concerning ordinary election, not extraordinary one; this sentence in itself would be human, but since it refers to God who desires that His saints, especially His Mother, be honored with honor, it is not purely human but religious when referred to God according to the Doctrine 2q, 124 a. 5 where it teaches that the works of all virtues can be the cause of martyrdom, not only defense of those which pertain to faith, but also acts of all virtues which are protestations of faith; thus His words: The works of all virtues, if any Confessor be chosen for a supplement, it can be well confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years is to be strictly and odiously understood concerning ordinary election, not extraordinary one; this sentence in itself would be human, but since it refers to God who desires that His saints, especially His Mother, be honored with honor, it is not purely human but religious when referred to God according to the Doctrine 2q, 124 a. 5 where it teaches that the works of all virtues can be the cause of martyrdom, not only defense of those which pertain to faith, but also acts of all virtues which are protestations of faith; thus His words: The works of all virtues, if any Confessor be chosen for a supplement, it can be well confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years is to be strictly and odiously understood concerning ordinary election, not extraordinary one. Deus hujusmodi opera à nobis requirit, et nos pro eis remunerat; et secundum hoc possunt esse Martyrii causa. Here therefore he subordinates to III: That however good of human things can become divine if referred to God, consequently whatever good of human things can be made a cause of martyrdom, according as if a Confessor is elected for supplementarily, it can well be confirmed by another triennium after the time of supplementarity, because the prohibition against not electing a Confessor

beyond a triennium, insofar as odious and strict it is understood concerning ordinary election, not extraordinary. VII.

Regarding Censures and Irregularities in Daum it is referred. Since there is no doubt that it is an act of Religion to exhibit cult to the Virgin, celebrating according to the pious opinion her feast of immaculate Conception as a reward forthwith, as the Church demands, it has been firmly assumed, in accordance with angelic doctrine, that such cult could be a cause of Martyrdom. Therefore, since it is licit and meritorious to offer one's life in such a way that this worship not be discontinued; all the more will it be both licit and meritorious to endure death for the sake of preserving this object of worship, namely, for B. From the original integrity of the Virgin, to which the very worship refers.

Hence, in his aforementioned Work De Canon. Saucor. I. 1 c. 14, postquam ostendit Ecclesiam esse propensam versus sententiam praeservationis B. He spoke thus about the Immaculate Virgin: "She refuses to deny anyone that she is more pious and religious." [n. 13] He says: Among the Maxties those who are reckoned by the Church as having been killed either by a tyrant, or because they more devoutly practiced a more religious sentence, or so as not to omit the less perfect exercise of some act of virtue, from which nevertheless they were able to abstain without sin.

And thus the objection of Lamindi is already satisfied, namely, if a Confessor be chosen for the supplement, it can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict to be received regarding ordinary election and not extraordinary, does not prevent one from living profoundly for the preservation of the Mother of God, provided that if a Confessor be chosen for the supplement, it can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict to be received regarding ordinary election and not extraordinary. Such a sentence shall not be of faith. ## ARTICULUS. IV. ## How is to be understood the excommunication of the persecutor. Clerics? 264 Words of the Canon. 265 What is understood by I. through words, if anyone? An impuberes? et a quo ipsi possint absolvi? Quomodo comprehendantur praesumpti mandantes, consules tes? etc.; quomodo ratihabentes? Quomodo nullo impedientes? An qui tenentur impedire tantum ex charitate? Quid intelligatur II.

By a cleric? What is understood by a monk? A Hermit? 272 What through words, or by a hand injected, according to III.? Chap. II. Dub.

IV. Of Excommunication. 33. §73. It must be required that the percussion be with a mortal sin; and externally grave? a.4. It incurs the first.

Scourging the cleric with contumely, or by some other grievous injury affecting him. II. Violently detaining, etc. III. Pursuing him that he may decide.

IV. Securing the horse, etc. VI. Performing this action with presumptuousness, with a consenting cleric. VI.

The cleric striking himself; but others deny this. VII. Cleric himself striking; but others deny that. A lay judge striking a cleric, or a clerical judge struck by a layman. §75. Does not incur I.

Thief loudly thieves. II. percussive jest, or by chance. Whether clerical boys, in playful or casuistic percussion?

And is it about vassals themselves, or their own, or things belonging to them? III. If there is no mortal sin. IV.

Striking the cleric through ignorance, or inadvertence, or through sudden anger. Dub. 1. What if one were to strike another as a cleric out of ignorance or inadvertence, or through sudden anger, and then, if some Confessor is chosen by way of supplement, it might be sufficiently confirmed through another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strict, is understood concerning an ordinary election, not a supplementary one; for if he were to strike, even though he knew? Dub. 2.

Excusetur crassa ignorantia? Dub. 3. What if someone strikes Peter the cleric, thinking that he believes himself to be Paul the cleric striking him? V.

The presumptuous Prelate or Preceptor is excused for striking. Is the Father? VI. Beating a cleric performing the office of a tavern keeper, etc., or acting turpulently, or soliciting a wife, or a consanguineous one in a proximate degree of relationship?

When the girl is excused for striking the cleric who is soliciting a woman or a consanguineous relative in an improper manner. §76. When may a Bishop absolve from this excommunication? 277. Which blow is called

Light, which Heavy, and which Most grievous? In how many ways can a light blow become severe?

By whom can they be absolved from a light blow, and by whom from a heavy one? Dub. 1. In a doubt [regarding] the blow, it is to be judged light or gravely? Dub. 2.

Whoever administers poison to a cleric incurs excommunication. « Resp. Thus it reads: If anyone, instigated by the devil, has inflicted violent hands upon a cleric or monk, he is subject to the bond of anathema; and no bishop shall presume to absolve him, unless there be urgent peril of death, until he appears before the Apostolic authority and receives its mandates. Thus from canon. If anyone, 17 questions 4. It is said I. If anyone understands the sixth of whoever has been appointed or statuted a presumptuous minor; provided that it concerns the reason, chapter 32, book Lib.

VI. On Censures Ecclesiastical, and Irregularities. It is present and capable of deceit. *(As is found in c. 1.* (Women), and Chapter One: Although minors can be absolved and dismissed by Bishops even though they may later request a delayed absolution; from what is said in that chapter minors.

Even if the blow was severe, as they say in 3 p. 23 § 4 n. 6, and Bonac says similarly in 3, de 2 q. 3 p. 6 n. 18, with Smar. Mol. » Fill. Sayr. et) * » However, it is extended to those effectively commanding, counseling, and consenting.

It is correctly said by Busemb. efficaciter, because for these to incur excommunication, it requires that the blow actually occur in fact, and that they themselves gravely influence that matter through a mandate, counsel, or consent; similarly generally speaking. 22 sect. 1 n. 55. c. 4 n. 22, and Bonac. D. 2 q. 3 p. 6 § 2 n. 1, cum dictu Sayr. et . Avila, Mol. Sylv.

Women, from the Opinion [of Sentences]. Necesse est decerni, an sententia in dubio fuerit imposita, an mandatum, vel consilium influxerit? Or perhaps it was revoked before execution if it were a mandate or counsel? See regarding these matters the statements n. 3g and 4o.

But it should be noted here: if a Confessor is chosen for supplementation, he can be rightly confirmed by another triennium after the time of supplementation, since the prohibition against choosing a Confessor beyond a three-year term, insofar as it is odious and strict, is to be

understood with regard to ordinary elections, not extraordinary ones. If anyone were to say before his own people: "I desire to accuse such a cleric," he would incur excommunication if others consequently struck the cleric; so says Croix l. 7 n. 303. Renz. tom. 1 p. 266 q. 4, cum Diana, et Avila, ac Salm c. 4 n. 22, in fin. cum Com. c. ult. de Intellige, si praevidet ex eo alios percussuros. "The presumed extension is made to those who ratify the percussion done in their name." » It is certain that if a Confessor is chosen as a supplement, he can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. Therefore, ratification suffices to incur censure, as can be seen from c. Cum quis, de sent. exc.

But for this is required. I. that the blow be struck in thy name, or for thy gratia. II. That you externally signify your approval.

III. That you may be habitually prepared for the command or counsel of the blow when it comes, so that if you are at leisure you do not sin: otherwise, if you are drunk, or asleep; thus commonly Bonac, D. 2 q. 3 p. 6 § 2 n. 8. Palladius, D. 3 p. 23 Cap. II. Doubt.

IV. On Excommunication. 535 § 2 n. 14. Conc. vol. 10 p. 467 n. 6. Cross l. 7 n. 306 et Item Fathers, tutors, heirs, pedagogues, parsons, etc., quibus cura aedificationis demandata est.

Thus. I. Tertia Pars. Lib. II. Cap. V. Num. 6. Good [decision] d. 2 q. 3 p. 6 n. 8, ex Cae. 30 etc. Verily that denies more probablistically [or: the negation is more probable] 30 Con. King. Henry. c. 27 n. 78, Bonacon.

D. 2 30 q. 3 p. 6 § 2 n. 5. Laic. tr. 5 p. 2 c. 5 n. 6 et . 30 p. 23 § 2 n. 13; cum Hol. et Henr. ad Anton. qui ex justitia 30 tenent impedire; non autem qui solum ex charitati, etsi ex odio impediat, cum ad incurrendam censuram praesumptum actus exterior requiri atur, juxta dicta 30 n. 134;). Dicitur II. Cleric: quod nomine comprehenditur omnem primam saltem tonnam iniutatus (eligiam conjugatus, dummodo cum unica virgine), et deferat habitum, serviatque alicui Ecclesiae; item praesumptum ex communi communicatus, suspensus, interdictus, degradatus verbaliter tantum. Ita com: praesumptum clericus non incurrit veri, qui percutit clericum bigamium ex reali bigamia; secus autem, si ex similitudinaria, nempe qui in Sacris constitutus matrimonium conuuxerit et consummoverit; neque incurrit percussor clericus, qui habitum deponens secularibus negotiis se ingesserit nec post tertiam monitionem sui precalati

respixerit. See this and other references in section 6 note 827. It is said III.

Monachum, intellige quemvis Religiosum, praesumptum laicum, conversum, novitium, quorum sensus. Likewise Third Order members of Saint Dominic, Saint Francis, etc., Lib. VII. Of Ecclesiastical Penalties and Irregularities.

» if they assume a habit and; live in community; » Item hermit is subject to some rule, or Superior. » And whereas all those living in community under some Prelate rejoice in the privilege of the Canon, even though there may not be a profession of their community, according to sect. 21, n. 22, and Bonac. D. 2, q. 3, p. 6, sect. 3, n. 56, cum Con. Mol.

Filk. Reg. Avila, in c. Nullus, de Foro comp. n. 59; de maliembas conviventibus in Conservatoriis, quamvis Religio non sit adhuc approbata, quia cum religiose vivant, oensen-tur personae Ecclesiasticae. And the same is said by Renatus, p. 534 q. 11, de Semianaristis et puero-ribus Collegiorum, sicut sunt nepoliani puerae S. Mariae Lauro- tentis, S. Onuphrii, etc.; eodem privilegio gaudent eremiti qui ex voto aut pacto addicuntur aliquo loco sacro cum subjectione ad Episcopum ut docent 22 sect. 1 n. 22.

Fagnan. I. c. c: Idem dict. 3 p. 22 § 1 n. 14, de Eremiteis, qui sub aliqua regula et obedientia vivunt, edito obedientiae aut paupertatis voti. Commonly, however, it is taught by the aforementioned authors that hermits who wander and bear a singular habit, although they minister to some Church at the presumption of an episcopal commission, ought very little to rejoice, as Fagnan: l.c. n. 59, ex Decis Rota Rom. 272 "Dicitur." IV.

The mother having injected: by itself a confessor may be chosen as a supplement, and it can be well confirmed through another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium is to be strictly and odiously interpreted with regard to ordinary election rather than extraordinary; which interpretation implies that any contumelious act of external mortal sin may be committed concerning the person of a cleric or things appertaining to him, whether by hand, staff, sword, etc., Bonac. d. 2 q. 4 p. 1. Therefore, in order to incur this excommunication, the requiror is required that the blow be: mortally sinful and presumptuously externally grave, as Bonacca teaches. D. 2 q. 3 p. 6 sect. 1 § 1, ac Cajet. 7 n. 301. Wherefore he does not incur it, who merely makes a sign of percussion but does not actually strike; as [they] rightly note here 5, p. 23, § 2, n. 2. 7a Cap. II.

Give. IV. On Excommunication. Section 335 note 2 number 26. Cross 1. c. with Sperelli, and Bonac. d. 3 n. 2, with Concordance.

Fillastre et (ut notat Croix ib.) si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Hic Canon, prout in favorem Clericorum emanatus, non stricte, sed latissime intelligendus sit. From these resolves. 1. By this excommunication, he incurs I [the first degree].

Whoever spat upon him, threw dirt or water upon him, covered him with dust or mud, removed a crime, rent his garment, took away something by violence and injury from his body, such that the action is grievously injurious, in word depriving him of his cap, cloak, etc. Bonum caput secundum hoc est caput II. Whoever concludes [that], either by violence detains in prison or some other place from which one cannot exit without disgrace. III.

Who shall be pursued; so that he fall into a river, or into a trench, or be thrown from a horse, etc. ibid. * (Now if one incur harm through pursuing a cleric without intention and foresight, it is the cause that he falls?) They deny Bonac. D. 2 q. 3 p. 6 sect. 1 S't n.'5, cum Sylv. et 7 n. 308, quia tunc causa'merd per accidens se habet. But no less does the same Croix affirm with Sperelli; hence this expression with the same meaning.

Sperelli c.) does not excuse the excommunicated stumbling block in Clericum, who out of fear of penalties would burn, even though the globe did not touch him, because then the exploder itself is the cause of such a lesion.)* IV. Whoever violently thrusts his hand into the horse, against which he lies in ambush, killing, wounding, falling, and restraining it—he doth it by means of the bridle; that action, although it be slight with regard to the body, nevertheless is not so with regard to honor, ibid. * (This is also taught by the commentators:)* V. Whoever performs something of that which has been supra-dictated, presumptuously with the consent of the Cleric, provided it be injurious to the order of the Clergy. Laity, loco citato. (Thus comment: Con, 336 Lib.

VII. Of the Communion of the Church, and Irregularity. and others with

the cleric however consenting from the same chapter; it is contingent that the presumptuous one is subject to excommunication, but this refers only to sentences to be imposed, as they well observe Bonac. and Croix l. 7 n. 305, while in the text it says: If anyone the cleric shall spontaneously submit himself, let him be excommunicated. This, however, is to be understood thus: if such an assault did not cease to be injurious despite the consent of the cleric; for otherwise it would be, if the consent removed the injury, as if the cleric begged another to yield, so that he might absolve his sins; or if a cleric himself, out of malice or passion (as if out of devotion) struck himself injuriously. . c. ex . tenent » . 22 sect. 1 n. 59, et Bonac.

D. 2 q. 3 p. 6 sect. 2 n. 7, cum Avila, etc. Sed meritò oppositum putant probabile. 3 p. 22 § 2 n. 4. Diana p. 9 tr. 4 R. 7, et Croix l. 7 n. 310, cum Tolet.)* VII. He who strikes a presumptuous cleric deserves merit if it is done either by one who has no right to do so, as when a worthy-to-die sinner is punished by a secular judge, or even promptly, as when a layman punishes him by a prelate. Bonac. l.

» c. ex . . 5. » 2. He does not incur I. A thief who secretly conceals a clerical sword or takes away clothing; because it is not an action of violence, but of fraudulence. *(Similarly, if he violently takes away, as .)*

... and Avila etc. comment, quia tunc actio, etsi non corpus clericici, ledit tamen honorem,)* II. If the beating be jesting; (even though it be grave and presumptuous with some kind of insolence, it will be rebuffed), provided that it do not amount to a mortal sin, as rightly they say in three parts two thirty-three section three note two. Good. D. 2 § q. 3 pag. 6 sect. 4 num. 3 et 28, cum Avilia et ubi dicitur: Nec clericus (ex communionis communicantur), si sunt plene aetatis, et non ex odio (intelligitur gravitatem), vel invidia, vel indignatione, sed levitate jocosa se invicem percutere contingat) vel casualia, v. g., si janitor, vel apparitor turbam arcens percutiat clericum; item si pueri habentes primam tonsuram se pugnis percutiant; Bon. l.c. ex Mol. et quamvis sanguis & naribus effundatur, ut l.c. n. 2 cum ac Bon. l.c. sect. 1 § 1 n. 14 cum Fill. et Avila quia regulariter percussio puerorum non reputatur graviter injuriosa; idque admittit Sotus apud c. etiamsi percussio fuerit gravis; hoc tamen intelligendum, si haec non fuerit intenta). item si percussio sit ad defendendum se vel vitam suam vel uxoris parentum filiorum vel res suas cum moderamine tamen inculpatae tutelae.

And finally, whenever a blow was inflicted through levity or imperfection in the act and was not mortal, it was imposed on a layperson, as Cajetan teaches. Avila, et S. Si quis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi; quia

prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria: tamen c. IV. Si fiat in tenebris, vel clericum non agnoscas, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria., quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. habitum non gestet; quia ignorantia excusat. Thus, presumed excuse sudden anger, which causes that if a Confessor be chosen for supplement, it might well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond a triennium is odious and strictly to be received concerning ordinary election, not extraordinary; therefore, if such a Confessor be chosen for supplement, it might well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond a triennium, as odious and strictly to be received regarding ordinary election, not extraordinary, causes the community. 22 sect. 1 num. 50.

Bonacin. D. 2 q. 3 p. 6 sect. 4 num. 3. Layman. 1, 1 tr. 5 pag. 2 cap. 5 n. 8. . 3 p. 5 § 3 n. 3, cum Con. et Sed hic dubitetur: an incurrat excommunicationem qui per-percutit aliquem ignorans esse Clericum, sed animo ita comparatus, ut si sciret, praesumptum percuteret? They affirm Cov. 7 n. 314.

But more commonly and more likely they deny it c. c. 10 n. 16, . 4 sect. 8 n. 8. Bonnefons de Cens in comm. D. r q. 2 p. 1 n. 14, cum Vasq. Molliarde et Fillion addidissent item, secundum Croix loc. cit., quia in ignorantia concomitante existit voluntas interpretativa sola, qua non est vera voluntas.

Contrary to this, it should be said if the one striking had begun to doubt whether he was a cleric, as is well taught in book 538. VII. Concerning the Ecclesiastical Penalties and n. 18 from Avila. And the same are held n. 14.

Cross of n. 314 with Avila, and others, if anyone shall strike a cleric negligently thinking him to be a layman, but intending to strike him, whether that layman be himself or some other cleric excusing gross ignorance? They affirm Sylv. de. Matr. 1. 9 D 32 n. 41, quia (ut ajunt) illud suadente Diabolo importat dolum, qui non reperitur in ignorantia crassa sed merito id reprobat Croix 1. 7 n. 314 et aliis cum Dubit. 3 an incurrat qui percutit Petrum Clericum reputans Paulum Clericum? On this,

see what is said at 1. 3 n. 628, v.

QUESTION I where we held the affirmative judgment. "V." If a Prelate, preceptor, father, having been constituted in lesser matters for correction (although anger may be present) strikes subordinates moderately with due reason for fault (thus presumptuously etc.) And the same is said regarding a consanguineous relation where one strikes a cleric under his care, according to c. Cum vo- luntate. 54 §. If anyone, of Sentences excomunicated, beats a cleric. But rather, a Prelate and an Ecclesiastical preceptor may presumptuously be constituted to correct in greater matters. (Always understand this to be done with moderation; for the Sacred Congregation has declared that one of their number was excommunicated who as a parish priest had more than once struck his own cleric in the head on account of correction, and afterward beat him with fists and sticks, as reported by P. 7 n. 318, who states thereon that the Prelate was not excused from excommunication if he, a Religious person, were to strike another with excess in beating, kick him with his foot, or do similar things.) Whether this be permissible for a father is disputed on either side with reasonable probability. » See . Questio est, an pater possit clericum punire verbis?

It is certain that he can do it if § 54 allows. But if, according to Sentences, excepted where it is conceded to all those who have led any from their household or亲近用户您好，我是一名AI助手，您可以向我咨询关于计算机编程、科技信息等相关的问题。 It is doubted whether he can do so if the cleric has been constituted in sacred matters? First opinion: denies; and this is held by l. 1 tr. 5 p. 2 c. 5 n. g. . 3 p. 23 § 3 num. 8, cum Host. Panor.

Ang. This is probable, but the sentiment affirming this seems more probable, and they adhere to this. 22 sect. 1 n. 4g. Good. D. 2 q. 3 p. 6 sect. 4 n. 4. c. 4 n. 30, cum Et probatur ex c. 1 de « VI.

If one who has been reduced to a real state of degradation, whether as a bigamist or exercising public office as an innkeeper, butcher, or prostitute, after three warnings continues not to desist, or is found acting turpulently with his wife, mother, sister, daughter, or even soliciting the woman himself to engage in turpitude, because he has lost his privilege, see 1 tr. 5 p. 2 c. 5 Fill. l. 15 c. 1. » If however, according to c. Si verò 3 de secùs, if that woman is not closely related by blood. Hence Fillius, tractatus 15 caput 1 quaestio 6 nota 12. . 1 tractatus 5 pagina 2 capitulum 5 nota 8, et Bonaventura. D. 2 q. 3 p. 6 sect. 4 n. 7, cum Puant tamen c. n. 6, cum prebensum in adulterio occidat; secùs si conventione lacta cum uxore se abscondat, cum jura numquàm intentant fraudi patrocinari.

But also in the case of a reward §40 Lib. VII. Concerning ecclesiastical censures; and irregular ones more correctly lay them out in the same place: because thus it is excused, namely, that one cannot restrain sudden anger to which he might then have been provoked: They say however, section 22, chapter 1, note 37. Bonac. l. c. n. 8. cap. 4 n. 31, cum . 307, cum .

Ang. etc., tunc tantum excusat virum percutientem tam clerum, cum percussio fit ipsa facto vel continuò post adulterium: ideoque solus acer sensus doloris meret indulgentiam. A presumptuous woman is excused for striking a cleric who prompts her, if she cannot repel him by words alone. Wherefore if a cleric merely tries with words, he ought to repulse her merely with words, unless he be so importunate that woman cannot by mere words alone be freed from him; thus 22 sect. 1 n. 23, and Avila, at least in the case of a sin of thought. 276 • Resp. 2. Even though this excommunication is reserved to the Pope, a Bishop can nevertheless absolve from it in these cases: when a blow is struck, although it may be mortal, it is yet a light offense according to prudent judgment, compared with [the enormity of] (thus according to chapter Pervenit de g. if a palm or fist leaves an impression, and indeed according to [Enormis] verò erit, if a limb is severed, much blood flows: it is founded; or when one presumptuously strikes the body of a Bishop, or of an Abbot with a club.)

Si percussor sit impubes, pauper, æger, senex, mulier, cæcus, claudus, servus, filius familias, vel non sui juris, uti et Regulares, ac Moniales invicem verberantes; item si sint homines delicati, et quotquot habent legitimum impedimentum, ut non possint ire ad Papam, aut ejus Legatum; vel si dubium sit de excommunicatione, Fill. 1. r5 c. 6 n. 35, et seq. Then if it is occult. V. above this chapter section 6 and Dianym [or Diyanym] page 9, title 4, rubric 63. In all these cases, for the forum of conscience, a presumed faculty to ask for absolution (free of charge) can be obtained from the Roman Penitentiary from the greater Penitentiary, as stated above in this book 1, part 2, chapter 4 in appendix.

Therefore it is necessary to distinguish: one is the blow of Enor-277mis, another of Mediocris, whether grave or light, and a third is the light blow, which no longer is called light because it imports only venial sin; for to incur excommunication there always requires grave fault; but it is called light in comparison with the grave and enormous. Such a distinction is commonly assigned by the Doctors, and collected from the Constitution in 27 n: 91, (page mihi 547) where it is also attributed to Innocent. IV. and by others to Pope John XXII, but Navarre attributes it to Pope Pius II. Furthermore, commonly the PP [Papal Legates] admit that which Cabass

holds.

T. J. 1. 5 c. 2 n. 6, et in praefata Extravagante sic legitur: Respondemus, percussionem levem esse pugni, palmae, manus, pedis digiti, aut baculi, aut lapidis, quae nullam maculam neque sugillationem carnium relinquit, neque mem- brum obscindit sine extractione dentium, sine avulsione multo- rum capillorum, sine effusione pulpit sanguinis. We however do not wish to say that if a Confessor be chosen for supplementation, he can be well confirmed by another triennium after the time of supplementation, since the prohibition against choosing a Confessor beyond a triennium is so odious and strict in regard to ordinary election, but not extraordinary, just as a light blow from a fist or nail may become severe on account of much bloodshed. To judge however what injury is slight, moderate, or great, we wish to diligently consider not only the deed itself, but also the presumed quality and manner of the blow with all its circumstances of place, person, and 542 Lib. VII.

Of Censures, Ecclesiastical and Irregular, and others. If a person is a Master, Judge, Prelate, Father, Patron, or any Dignity, and is struck unjustly by someone inferior in rank, because from this sometimes censures are imposed for grievous injuries that in themselves are light or moderate. And since the condition of the affair does not allow for a complete determination of this matter, we leave it to its own discretion that it declare what is a slight injury and what an enormous one, admonishing that rather than declare in doubt as a slight injury, thereby providing occasion to wound the Church's state, it should declare it to be serious. Hence the Doctors say that such a moderate blow is that by which a dense growth is extracted, or the hairiness of the scalp is plucked out, or a fleshly cauterization is made through which blood flows without grave injury or wrong; thus in Bon. d. 2 p. 6 sect. 5 n. 8, and they call it an enormous blow where a similar thing happens three p. 23 § 4 n. 2. 298 Commonly however the aforementioned Doctors and others observe that if a Confessor is chosen as a supplement, he may be sufficiently confirmed through another triennium after the term of the supplement; because the prohibition against not choosing a Confessor beyond a triennium is, as odious, strict, and to be received stringently in the case of ordinary election, not extraordinary. Often a light blow can become grave or enormous by reason of circumstances, namely I.

On account of the person himself, lax as regards Abbots, Prelates of monasteries, or Judges, Heredes, and others constituted in dignity, they say II. cc. II. Ratione personae ledentis, ut si Officialis laicus auctoritativè percusiat Clericum, vel plebejus Ecclesiasticum nobilem: . 22 . c. et Bon. d. n. 8, cum Navarr. Mol. Fill. et Reg.

III. On account of the person before whom the blow is struck; namely, if it is before a Prelate or another person constituted in dignity, with Mol. IV. On account of scandal, namely if a Monk strike a Secular cleric with grave scandal; qu. 5 art. 3 n. 8. c. et Bonac. ibid., who adds that the same holds true if anyone strikes a cleric in the Cloister before Religious.

V. Reasoning regarding place, namely if a blow is administered in the Church, or in the marketplace; Cabussut, T. J. 1. 5 c. 2 num. 6. Capitulum, II. Dub.

Four. On Excommunication. 343 By reason of time, if anyone strikes a cleric attired in sacred vestments, either while he is at leisure and performing public offices in the choir, or during the act of procession, or public supplication. Baldessus. By reason of injury, if anyone strips a cleric, or defiles his face with ink or filth, as Cabassut. l.c. After having stated this, it should be known that if a confessor is chosen for supplementation, he can be sufficiently confirmed by another three years after the period of supplementation, because the prohibition against choosing a confessor beyond three years, insofar as it is odious and strict, pertains to ordinary election and not to extraordinary. For light percussion, bishops are permitted to absolve publicly, as the Doctors commonly teach with Bon.

D. 2 q. 3 p. 7 sect. 5 n. 3. Et patet ex c. Perven, de de Matr. l. 3 D. 7 n. 10, et Bonac. l. c. p. 6 s. 5 n. 4, cum Mol. Rule. Whether, however, they who have jurisdiction over her can absolve her quasime Episcopaliter? See the aforementioned note 79. Whether, however, they who have jurisdiction thereto, akin to Episcopal, can absolve through a public or a medium concussion is evident from no. 79.

As for a public or moderate concussion, the Pope alone, or a Legate from Rome possessing Pontifical authority, can absolve therefrom according to canon ad eminentiam. But if, however, the concussion has been secret, presumptively the Bishops can absolve therefrom according to canon Liceat 6 in Sessione 24. Moll. et Fill. And thus equally they can absolve minors, even if they seek absolution after reaching puberty, c. cum id.

AA. from c. Children end same title. Item. eos qui collegialiter vivunt, si percussio fuerit gravis, non verò si enormis; vide dicta n. 68 circa finem ad n. X. Item all those hindered, so that they may not approach Rome according to what is said in chapter number 88. As to whom and when Regular Prelates may absolve their subjects and others from this

excommunication, see what is said in no. 107.

But Croix properly observes in his 7th book n. 325, that if a Confessor is chosen as a supplement, he can be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, being odious and strict, should be understood with regard to ordinary election, not extraordinary, for the purpose of obtaining absolution from censure due to the Cleric's presumptuous public accusation, one can appeal to the Sacred Penitentiary. Dubit, 1. In dubio percussio judicanda sit levis, 280 344 Lib. VII.

On censure of the Church... and Article 5, paragraph 3, note 8, it is said that such censure should be considered light. But it must decidedly be said to be the opposite according to Bonaventure. D. 2 q. 3 p. 6 sect. 5 n. 8. . 1. c. ac Perlectis n. 277, ex verbis illis: Admonentes ut potius declares in dubio esse percussionem gravem et ab ea non posse absolvere. There is also given a reason, so that you may not furnish an occasion for injuring the ecclesiastical state.

Doubt. 2. Let him incur this censure who provides poison to a cleric? There are four sentiments. The first opinion, held by Avila, and absolutely negated by 4 R. 36, is that unless the poison is given by force to be drunk, for otherwise (as they say) no violence is done to the person but to the nature: but rightly Diana loc. cit. rejects this opinion, since it is against common doctrine; and Renzius t. 1 p. 578 q. 9, refers to its having been expurgated from the Summa Rodriq., by order of the Holy Inquisition in its expurgatory.

Second opinion, which Fill. tr. 11 n. 126 and Suar hold, and other of Croix l. 7 n. 302 state, he does not incur censure unless followed by death; but neither is the latter opinion deemed sufficiently probable. Third opinion, which Croix and Beja hold, and Sperelli also states, this [i.e., the matter] to incur from the beginning, because poison by itself is apt to cause harm immediately. The fourth opinion, however, more common, which seems to me more probable, states that he does not incur censure unless after the venom has begun to cause harm. Reason, because to incur censure according to the Canon, death is not required, but rather the effect following upon it, namely, violence inflicted; whereas, before the venom begins to cause harm, there does not yet exist effective violence, but merely an action apt for inflicting violence; thus Bon.

D. 2 q. 3 p. 6 sect. 1 § 1 n. 6. . 5 art. 4 n. 2, et Diana l. c. cum Squillante,

quibus adhaeret praesumptum Renzius l. c. ARTICULUS V. What excommunications are reserved to the Pope by the Bull Coenae? 281 Concerning excommunication in retaining, reading, etc., books Heretical. 282 For which incursion, it is required I. ut. Author. be deemed a heretic. May the books of Infidels or Jews be read? 283 II.

That the book may contain heresy or treat of religion. What if the error is corrected? Or what if the Author has not been condemned as a heretic? What if someone reads it to clarify an heretic? 284 III. That notable material may be read. 285 IV.

That it be read knowingly, etc. 286 Non incurritur I. If you read a book containing the words of Heretics. II. If you read commentaries on heretical texts. Are books of philosophy, or those that incidentally contain heresy, prohibited? What books are prohibited in the Index? Into how many classes of books does the Index prohibit? To whom does it belong to prohibit books? Is it permissible out of curiosity, even with permission, to read heretical books?

And whether one may read forbidden books when one is certain that reading will not be harmful to oneself in the future? (See on this p. 1. n. 199. at the end. 292 Whether he incurs blame who reads a preface, an index, etc.? Or he who has someone else read it?) And what if it leads to reading? Whether he who reads a brief script or a manuscript? Whether he who reads two lines, or even less some part of a page? Whether he who retains for a short time? Whether gross ignorance shall be excused? What if someone knows that a book is prohibited by a reputable man? Does he incur excommunication who prevents it from being burned, or approves its burning, etc.? Does he incur censure who deposits a prohibited book with another person? Does he incur blame who burns it? From whom is the license to read sought? 300 To incur excommunication on account of heresy, it requires I.

That it may be formal. Ques. 1. Whether one who errs through gross ignorance or pretended ignorance incurs it? Seventh. On ecclesiastical censures... and Article 5, Section 3, Note 8, it is stated that it should be considered a light offense.

But certainly it must be said contrary to Bon. D. 2 q. 3 p. 6 sect. 5 n. 8. 1. c. ac Perlectis n. 277, ex verbis illis: Admonentes ut potius declares in dubio esse percussionem gravem et ab ea non posse absolvere. There is given there a reason why you would not offer an opportunity for the injury of the ecclesiastical state. Dubium. 2.

Who incurs an censure which the clerical office provides for venenum? There are four meanings. The first opinion, which Avila and Rod. uphold at 9 text 4 responde 3 6, absolutely denies this; for they say that nothing is given to be drunk by violence. But Alixas (as they assert) does not make a person act against their will, but nature: yet Dianna loc. cit., in citing this opinion, rejects it with merit, since it is contrary to the 'common' [consensus]; and Renzius 1 p. 5 7 8 q. 9 refers that it was expuncted from Summa Rod., on command. In his own expurgation.

Second opinion, which Fillastre holds according to article 1, number 1, note 2, section 6, and Suarez, as well as others according to Croix 1.7, note 3, option 2, denies that it involves recent censure, nor following a death; but rather some opinion seems most sufficiently probable. Third opinion, which Croix 1. c. holds with Beja and Sperelli, says that this exemption should be incurred because poison is something that must be stopped immediately and treated as a wound. Quartae tum communior quae videtur mihi probabilior dicit eum non incurrere nisipostquam venenum inciperit lædere. Reason, because to incur canonical censure does not require anger, but requires that something efficacious be followed, namely, if violence is received; before as well as after venom has caused injury, there is no effective violence, but merely an action apt for inflicting violence; thus it is said.

D. 2 q. 3 p. 6 sect. 1 § 1 n. 6. . 5 art. 4 n. 2, et Diana 1. c. cum Squillante, quibus ad bæretet lamb Renzius 1. c. ARTICULUS V. What are the excommunications reserved to the Pope by the Bull Coenae! 281 Concerning excommunication in retaining, reading, etc., books Heretical. 282 For which, there is a requirement of I. ut. Author. sit haeresis. May the books of the Infidels or Hebrews be read?

That the book may contain heresy, or speak about religion. What if the error is removed? Or what if the Author has not been condemned as a heretic? What if someone reads it in order to refute a Heretic? 284 III. That notable matter may be read. 285 IV.

That it be read knowingly, etc. 286 Non incurritur I. If you read a book concerning the words of Heretics. II. If you read commentaries on heretical texts. 287 Are philosophical books prohibited, or those which incidentally contain heresy? 288 Which books are prohibited in the Index? 290 Into how many classes does the list of prohibited books divide? 291 To whom does it pertain to prohibit books? 291 Is it permissible to read heretical books out of curiosity, even with permission?

And whether one may read books prohibited to him who is certain that reading will not be harmful to him in the future? (See on this, what is said in book 1, note 199, at the end.) Would he incur guilt who reads the preface, index, etc.? Or would he incur guilt who hears someone reading? And what if it leads to reading? Whether he who reads a brief or manuscript script? Whether he who reads two lines, or less than a page? Whether he who retains it for a short time? Whether gross ignorance will be excused? What if someone knows a book to be prohibited by an upright man? Does he incur excommunication who hinders its burning, or praises its style, etc.? Does he incur it who deposits a prohibited book with another? Does he incur it who burns it? From whom is the license to read sought? For the incurral of excommunication on account of heresy, it requires one.

That it may be formal. Questio 1. Does an error arise from gross ignorance or pretended ignorance? Seventh. On Censures Ecclesiastical and Irregular, Question 2. 502.

To whom does one refer regarding matters of faith? Require. II. That an external error be signified. 504 Requir. III.

That it may be morally bad. Require. IV. Mind inclined to profit from error. 305 See other things to be warned about. 306 Fall into presumption, believers, supporters, receivers, and defenders. 307 Qu.

I. He who favors the Heretic out of friendship, etc. 508 Qu. II. Whether one who receives a Heretic so as not to be captured, is thereby exempt from censure? Otherwise they incur excommunication according to the Bull I.

Stealing goods from shipwrecked individuals. II. Tributes imposed by the Lord. 511 III. To whom else does the Bull incur excommunication? «R esp.» The principal one extends to heretics, and this is not merely to those who are supporters, receivers, and defenders of heretics, as such, but also to those who knowingly retain, read, print, and defend books dealing with matters of religion, or contain heresy from any public or secret cause, by any means or color.

To incur such an excommunication four conditions are required. I. Quæ ad hæreticos extenditur non tantùm ad fautores, receptatores, et defenso- res hæreticorum, ut sic, sed etiam in scienter re- tinentes legentes, imprimentes, et defendentes libros hæreticorum de Religione tractantes,

vel hæresim continentes ex quavis causa publica, vel occulta, quovis ingenio vel colore. That the author of the book be a heretic. II. That the author of the book be a heretic.

That the book might explicitly contain heresy, or treat of religion. III. That the materia notable and sufficient for a mortal sin may be read. IV.

That it be known, printed, and retained. 2 t. 1 c. 15 n. 1. Therefore, in order for this excommunication to be incurred, it is required that I: the author be a heretic; hence, those who read books of unbelievers do not incur it, even though these books contain heresy, as stated in the Bull regarding books of heretics; thus. VIII. at Croylum l. 7 num. 333. Those who read are also to be numbered among the forbidden books of the Bull, namely those books which treat expressly of heresy, even though the author is hidden, because then the author is certainly considered a heretic.

Require. II. that a book treat of Religion, or contain heresy. It is sufficient that a single book contain but one error against faith; or if it treats ex professo (not however by the way) of religion, namely concerning Sacred Scripture, or Scholastic Theology, Dogmatic Theology, or Moral Theology, or the Mysteries of Faith, or about Divine worship or the Saints, or Ecclesiastical rites, or canons, or spiritual matters and such like, according to 2 c. 10 n. 21. 2 tr. 1 c. 7 n. 3, item Dicast. Illsung., 7 n. 33r. Sed si ille error contra fidem a libro abrasus sit, Croix n. 33o, cum l. 2 c. 10 n. 3; quia particularis illa expunctio non tollit communem libri prohibitionem.

Sed mihi non displicet distinctio, quam tradit Sporer t. 1 de fide p. 122 n. 40, nempe, si liber tractet ex professo de Religione, non obstante abrasione erroris, remanet prohibitus, quia in Bulla omnino vetatur legere aut retinere libros Haereticorum tractantes de Religione. So if the book treats of some other matter, for instance of Philosophy or of History, excepting however the books of the Centuriators of Magdeburg and similar ones in which religion is truly treated and whose purpose it was to uproot the monastic state and to defame ecclesiastical matters. Dict autem Croix cum . Masculum et Caram.) reading such books?

Haeresis non effugavit excommunicationem Bullet, etiamsi legat ad confutationem erroris, et sine periculo versamenti, quia prohibitio facta est in odium haereticorum, cum in Bulla vetetur lectorum ex quavis causa vel colore. They nevertheless limit Croix n. 343: if any learned man should read them, hoping that it would certainly come about that he would convert some heretic. Hence they probably say: But is it permitted? See p. 439 n. 99, with Mayr. 348 Lib. VI. On Censures Ecclesiastical and

Irregularities: If a Confessor be chosen as a supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition concerning the non-choice of a Confessor beyond a triennium is so odious and strict that it should be understood of ordinary election and not of extraordinary; thereby those who read this heretical book to excuse themselves on grounds of necessity in order to convince a Heretic by his own or another Heretic's book, for example to find a contradiction: - lest danger arise from delay, and there be no recourse to Rome or elsewhere.

Quicumque vero libris vel scriptis prohaeresim, vel suspicionem haeresium prohibitis lectisset, licet probabiliter cum Pignatello et Duardo apud Croix n. 334, non incurret excommunicationem Bullae, nisi sit auctor damnatus ut haereticus, vel natus ex secta haereticorum: tamen incurrit excommunicationem Indicis, quae verum non est reservata. 251 Requir. III. ut lectio fiat in materia notabili, nam licet Tolet et 7 q. 2 p. 4 n. 14 negent dari hoc parvitatem materie, quia (ut ajunt) in una sola linea potest quis error invenire; tamen communiter DD admittunt materie parvitatem, quamvis discreant in assignando qualis sit. Others, however, as . 2 c. 10 n. 31, with Sa and Manuel, and others say, to be one page, and more if the volume is composed of larger pages; but this opinion not properly seated, chapter if the page is greater; others, as Graff. and Bon., say, to be three or four lines; others, as . 20 s. 2 n. 20, and . 4 de fide. D. 2 p. 10 § 2 n. 6, cum ap.

Bonaventurae dicunt, esse decem lineas; alii tandem, ut Holzmann tom. 1 p. 177 n. 77 v. I said fourthly, Sporer t. 1 p. 124 n. 44., and 1 p. 397 n. 113, et Croix l. 7 n. 331, cum Marchant. correctly distinguish in this, to attend to the end of prohibition, if by opening a heretical book you fall into doctrine which is directly against faith, you can incur excommunication even if you read few lines because there may be danger of perversion; but otherwise if the book were principally on indifferent matter, then reading presumptuously pages where no error is found, you would excuse from mortal sin. 255 Requir. IV. so that such books may be knowingly read, printed, or retained. And those who buy, sell, or carry away such books are also subjected to excommunication, as the Pontiffs say: Neminem defendentes non solum verbo, sed praesumptum facto, nam si impediant ut tales libri Episcopo tradantur, ut dicunt alii commune cum Croix 1. 7 n. 358.

Not excommunicated be you. If you read books referring to the words of heretics, even though your intention is to oppose heresy by reading them, you are not excommunicated. c. ex Navar. ». » and Pignatell: ap. Cross 1. 7 n. 335.) * II.

If in the book of a Catholic writer, or any other, you find scholia or notes by an author heretic that do not conform to this Bull: if anyone is chosen as Confessor for supplementation, it can be well confirmed through another triennium after the time of supplementation; because the prohibition against choosing a Confessor beyond a triennium, being odious and strict, should be understood in terms of ordinary election, not extraordinary. Nevertheless, 21 s. 2 limits this, unless the scholia are so copious that it would appear more from them than from the text that the book stands constated. . » c. ex. etc. The question arises: by reading scholia by a heretic in a Catholic book, does one incur excommunication? They affirm 7 n. 334: si annotationes essent libro majores, quia talis liber potius est Hæretici commentantis, quam Catholici. However Crpix holds that one incurs a liability, even though the notes do not adequately match the book, because such books are more regarded for the annotations than for the Catholic text. But he denies in Book 2, Chapter 1, §7, n. 9, citing n. 8 at the end, those who adhere to it directly, stating: 'Summa Cajetani; albeit these annotations augment the text of D., yet I adhere more closely to the primary sense, if the Scholia are in such abundance that the book is constituted rather by them than Catholic doctrine, as they say in c. « « 2.'

Hereticorum libri philosophici nec non alii hæresim contenantes prohibentur. VII. On Censures Ecclesiastical, and Irregularities. Note 3.

But probably not even those who incidentally merely contain heresy, and do not act ex professo out of faith.* (More correctly should it be said concerning error, as the Decretalists teach in 1. 2 c. 10 n. 25. 2 p. 10 n. 7.) Goodness. D. 2 q: 5 p. 4 n. 19, et 71, in fine,) Sa, et 1. c. contra . » he who confirms this for Germany, where the Bull was not received with such rigor.

V. The people, however, who incur such a thing by accepting the bull with so much severity in Germany, where it has not been received, the non-reserved excommunication of the prohibited books of the Index, where he is accepted, if a confessor is chosen for the supplement, can be well confirmed through another triennium after the time of the supplement, because the prohibition against electing a confessor beyond a triennium, insofar as it is odious, strict, and to be understood with reference to ordinary election, not extraordinary, seems not to have been established in Germany, at least with different severity, as it has. c. n. 8. This must be noted: if a Confessor is chosen for the supplement, he can adequately be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period, since it is odious and strict in the context of ordinary election, not

extraordinary, seems not to have been enacted in Germany, at least with greater severity, as it has.

Clem. VIII, in the Index of forbidden books, confirmed by the authority of Pius IV, it has been forbidden to read all the books of Heretics until they are corrected, and of Heresiarchs, even if they do not contain heresy or deal with Religion, under excommunication not reserved, see 7 n. 360. Likewise, books of any author, not heretical ones prohibited on account of suspicion of heresy, as in Reg. 10. Index. q. 5 ar., 1 n. 8.

Item S. Pius V. in Constitutione. When they are found to be congruent, he prohibited the reading or retaining of books by any author suspected of heresy, lacking purification, until they are purified, under reserved excommunication of the Pope. That is why rules are provided in the Roman Expurgatorium ap. c. Insuper Sixtus V. prohibited under reserved excommunication any book on astrology or divination of future events; See also item where it is decreed that all books dealing expressly with obscenity are forbidden; Reg. 2, 7 et 9. Croix notes v. 360, that those who read obscene books indeed sin gravely, if the matter be grave, but do not incur excommunication.

They also say this concerning readers of magical books; but better it is said, according to 3 ar. 1 n. 8, that they do not incur reserved excommunication because such books are prohibited in Reg. 9 on account of suspicion of heresy. It should be known that if a Confessor is chosen as a supplement, he can be well confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious, strict, and to be understood from the choice of ordinaries, not extraordinaries, for if a Confessor is chosen as a supplement, he can be well confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious, strict, and to be understood from the choice of ordinaries, not extraordinaries. Let three classes of books prohibited constitute. I.

The class contains all books heretical in their heresy, or treating of religion. II. Classis continet omnes libros Haereticorum habentium haeresim vel de Religione tractantes. The class contains books of Catholics against faith or good morals, which (as Lupus says on p. 4 l. 25 d. 1 ar. 1) are not considered to be prohibited first, but rather are referred specifically to the index: understand this, except for books themselves that are prohibited per se in the index, as will be explained shortly below. III. Classis continet libros Catholicorum contra fidem, vel bonos mores, qui (ut ait Lupus p. 4 1. 25 d. 1 ar. 1.) non prius censentur prohibiti quam spe-

cialiter in Indicem referantur: intellige praeter libros in indice prohibitos per se ut mox infra.

The Class contains books printed without the name of the Author; not all (as Lupus well observes in loco citato) are condemned, but only those which propagate erroneous doctrine; for we see such books practiced by men who are reputable and learned; and thus it is concluded from the Bull. Speculators, ubi de hac prohibitione Pontifex loquens, dict: Contingit ut perigue libri ignoti Scriptoris, qui tertia Classi assignantur, pejores multo sint quam in prima et secunda recensit. In the Index however, are prohibited: in item, vernacular Bibles, and books treating of controversies among heretics composed in a vulgar tongue. Item books obscene expressly made; and books magical.

Henceforth here, those are excommunicated who shall have read or possessed writings of Heretics, or of any Author, condemned out of suspicion of false dogmas. To prohibit books throughout the whole world regards the Supreme Pontiff, and properly so to the Holy Congregation. Bishops and inquisitors can prohibit books in their own territory. Magister S. Palatii praesumptum potest; sed ut putat sect. 48 n. 5, tantum pro urbe et ejus districtu: numquam enim vise sunt illius prohibitiones publicari.

Croix thinks 1.7 n. 346 that if a Confessor is elected for supplementation, it may be well confirmed by another triennium after the time of supplementation, because the prohibition on not electing a Confessor beyond a triennium, as odious and strict as it is in ordinary elections, should not apply to extraordinary ones. For when permission 291 allows the reading of heretical books for the purpose of refuting errors, one would gravely sin by reading out of curiosity (even though such an excuse might be pardoned from excommunication), because then the end of the permission ceases; but this reasoning does not persuade, since the end of a precept does not fall under another precept, as we said about fasting, 352 Lib. VII. On Ecclesiastical Penalties and Irregularities. I. 3 n. 122, et hoc quia Superior dispertit per duas causas; primum quia considerat non minere periculum perversionis dum dispensat; secundum quia sperat esse proficiens illi vel aliis lectione, unde si cessat causa secunda, non cessat prima.

Und possit legere liberum prohibitum sine licentia, qui certus est mortaliter lectionem suam sibi non ob futuram? Whatever others may say, it must be wholly denied according to Croix n. 375, in fine, and ... i n. 199, in fine. 292 « 3. i is excommunicated. Whoever reads a mere prologue, or an epistle to the reader, or an index of the book, or any part of the book in which there is no heresy, in sufficient quantity, as is contained . c. et) * 2.

It is probably presumed that he who is ordered by another to read and hear: because he reads through another. Lay. "l. c. * (They more probably say 'Probabilius' 7 n. 342, when)." Pignatell. et Sayr. excusari a excommunica-«tione qui audit, modo non induxerit alium ad legen-«dum. But rather, C. 10, n. 48; P. 10, § 2, n. 4, cum Con. I, q. 2, p. 4, n. 11, cum Sousa: likewise Fill. c., they say it should be excused even if he induced someone to read; and they consider this probable according to Croix ibid. et § 5 art. i n. 9. And C., and Sousa, and Stephan., according to Croix, excuse the presumptuous one from sin if the hearer incurs no danger of perversion through avidity in listening. *293* 4.

It is probable that one is not excommunicated who reads a heretical sermon or a letter privately printed, because he is not free. c. n. 5, ex 10 num. 30. 77, v. 7 num. 337. But the opposite is held by Suarcz and others, no. 4, art. 72. But see what is said at the end of this number. But those who incur censure are the manuscripts of Heretics; they affirm, c. et Croix l. 7 n. 339, cum . Dicast Stoz, Alex VII. n. 10.

Sporer p. 123 n. 30, et . . Idem sentit Sylvius (apud Croix) dicendo; Libri manuscripti communicari possunt ad legendum, nam tantum prohibentur ne commancientur ad imprimendum. Sylvius autem referebit sic: praesumptum a sancta congregatione ita declaratum putatum esse. Tamen his impedimentis propter quae non obstat adhærere tamen magis primo dictu, quia communius est, et nam manuscripta libros praesumptive nominabantur antequam typographia inventa esset, et nunc praesumptum parochorum registra baptismorum et matrimoniorum in rituale commune libri appellantur. Concerning the contrary, declares he. The Council says Croix not sufficiently established. Furthermore, the Tridentine Council noted that it should be forbidden under excommunication (though not reserved) to read any writings composed by Heretics, presumptuous briefs, and although they may not contain heresy, until they are examined and approved. « 5.

One line alone, or even two lines alone, is not sufficient. But according to some and Sa, neither an entire page nor a presumptuous portion of a large volume; if a Confessor is chosen for supplementation, he can be properly confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium, being odious and strict, should be understood concerning ordinary election rather than extraordinary. Yet Bon. et c. do not agree; even if one admits that the Confessor is able to serve for this purpose, so as not to continuously condemn a mortal sin and exclude from excommunication him who reads a single page out of good intention or presumptuously from

curiosity. “See the aforementioned at note 284, v.” Require. III.)* » » 6.

One does not incur guilt if books are retained for a short period, e.g., one or two days, because the congruity with the matter excuses both the shortness and the insignificance of time. Schol. . This is sufficiently probable, as they say presumptuously Bon. Doctor Sextus, quaestio secunda, punctum tertium, numero quindicesimo. Disc. 10 et 95. 4 D. 2 p. 10 n. 10. Those same ones admit also VI 354 Lib.

VI. Let it retain the book for a short time, with an intent always to retain it, because although he sins, he nevertheless does not incur excommunication; for he who retains for a short time is not said to retain notably. However, 2 c. 10 n. 65, 2 tr. 1 c. 15 n. 7, with Sayro, and Graff., and Pignatell., and Stoz according to Croix I. 7 n. 351, excuse him who retains the book for a longer time, awaiting an opportune moment to present it to his Superior, or having some other permission. « 7. Excuses ignorance, gross presumption, if one either thinks oneself heretical, or to be treating concerning Religion. See [the work] 2 [part] 3, and book 9 concerning Mart. law 32.

It excuseth the ignorance, grossly presumptuous, if one neither knows nor cares to be heretical, nor to treat concerning Religion. Generally do the Doctors teach that one does not incur censure for reading or retaining a book out of sheer ignorance either of fact or of law, since in the Bull it is condemned those who knowingly read it, etc., except as regards Buseh. 2 p. 4 n. 8. It is said in dicta 2 and others frequently; and this is according to what was stated in note 47. Whether however affected ignorance excuses? 6 n. 1124, circa finem. In modo nenhum é justificada a pessoa que lê ou retém um livro, sendo ele conhecido como proibido por meio público, ou pelo menos segundo uma autoridade digna de fé, come lo insegnano Lugo, Sanch Bou e altri comunemente insieme con Croix 1. 7 n. 345.

8. Non excusatur quisquis librum habet vel in alio domo, vel sub nomine alieno, vel animo non legendi; item nec ille qui affirmat non esse pravum non esse exurendum. Item, qui impedит, ne com- » burnatur: qui disputationis causâ defendит. Ita bon. » who nevertheless excuses him who praises either the style, or the genius of the Author, or the good doctrine which is in it, but not inasmuch as it is in it; for example, if he say: this book would be good if it did not contain heresy; because such a defense does not excuse.

V. Laicus. loco citato Bonaventurae, de secundo libro, quaestio quinta, probabilis quarto. According to the common opinion, it is taught in session

twenty, chapter two, note twenty-one, canon number fifty-two, paragraph two, section two, note seven, number seventy-four. Cross l, 7 n. 347, and Bonaventure, Decretum 1 q. 2 p. 4 n. 5 cum Ugo. Graff. et Sousa, non effugere ex communi sententia qui deponeret librum haereticum apud alium, non abdicando a se dominium; quia is, qui retinet dominium, adhuc dicitur librum retinere, cum possit repetere quando vult.

The same must be said according to Croix 1, c., from VII: Books prohibited until they are purified may be retained until diligence is applied and corrects them. And the same must be said regarding him who retains another's book in deposit, loan, or pledge, as stated in n. 347 with Pignat. and Duardo. Let it be said according to Croix, num. 352, with Verius, that he who delivers a book to a place seized as a pledge, which customarily is assigned in each monastery, sufficiently responds. Furthermore, furthermore, if anyone were to lay down a book with permission expressed by contract not to reclaim it, so that the other is not bound to return it except after its purification or after obtaining permission, I would not condemn this, because in this it seems adequate to cease the danger of reading; and even less would I condemn it, should he give the book to someone having permission under condition that he returns it when he himself obtains permission. He however who has a heretical book is bound to hand it over to the Inquisitors according to the precept of Julius III and Pius IV 299 Hence they say 355, incurring censure; he who burns it in the place where the Inquisition is active.

But Salman excuses them, n. 74, and Croix n. 355, when it is said, however, that Julius III in his Bull Cum meditationis expressively prohibited all those who have forbidden books of any species from lacerating or burning them, enjoining them to bring the same to the Inquisitor or Bishop. The faculty of reading prohibited books can be granted either in the Bull or in the Index solely by the Pope, or by the Sacred Congregation of the Index, or by a Council. Only in the case of great necessity, says 5 ar. i n. 10, can one grant her permission to do so 556 Lib. VII. presumptuous, Bishop. Here however it is questioned whether the bishops themselves are able to read forbidden books?

It seemed to be affirmed; for all bishops, where there is no formal Tribunal of the Holy Office present, are by nature inquisitors, who can proceed ordinarily against offenders concerning matter a. 3. Conclusion 2 at the end, general question 8, and treatise 1 article 2 paragraph 4 note 10, from the Bulls of Julius III. When mediation, and of Paul IV. Because concerning future matters and those of Pope Paul IV. With regard to the remuneration, as stated by the aforementioned authors, in which both bishops and inquisitors are forbidden the reading of prohibited books, except for

seniors and commissaries against heretical depravity (is it) excused (them).

They are understood. To Commissaries, those Inquisitors alone are permitted in whom a particular cause has been committed, who may read only books concerning that matter, and for only the time during which the commission is valid, as Bonaventure writes and explains in loco citato l. c. 300. Principally, however, they incur the Papal Excommunication: heretics, their authors, receivers, etc., as stated in the first clause of the Bull Cense. Therefore, let us first treat of heretics, and afterwards of their authors, receivers, etc. That a heretic incur this excommunication is required. L. In order that heresy may be formal, namely, with respect to erroneous intellect and pertinacity according to what is said by Busembach 1.2 n. 3g.

That person is called obstinate who clings to his opinion, even if a confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a confessor beyond three years, insofar as it is odious and strict, should be understood regarding ordinary election, not extraordinary, so that he will now know it to be adverse to the doctrine of the Roman Church. Thus S.; and 1. Incurrit hanc excommunicationem, qui errat ex ignorantia culpabilis? If ignorance alone is at issue, commonly DDs excuse it as mere lapseness, along with many others according to Ratio; for one does not incur this censure unless he is a formal heretic; but constancy in formal heresy requires true knowledge of the error, otherwise deficiency in pertinacity results, as was stated above, where such requirement is deemed necessary. It is doubted, whether he incurs censure by reason of one who errs through affected ignorance?

Ca-mus et Val affirmant. Book II. Dub. IV. On Excommunication. 357 dissenting. 4 p. 3 § 2 no. 3, cum et Farin. ac Suyr.

Ban. etc. Ratio, quia ecclesiae non contradicit, qui nescit se ecclesiae contradicere; ob quantulumcumque ignorantiam hoc faciat; et ideo non potest dici pertinax contra ecclesiae doctrinam. Questio 2. Let him incur the anathema as a formal heretic who doubts concerning matters of faith; whatever others might say, if among them too many speak obscurely, it can be said with common judgment: if a Confessor is chosen for supplementation, it may well be confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strict to be understood regarding ordinary election, not extraordinary. If any one positively doubts about some dogma of faith defined by the Church, judging it to be uncertain on account of opposite reasons, there can be no

doubt that he is a heretic, and thus incurs excommunication, according to c. 1 de Haeret., where it says: The devil in faith is an infidel. But otherwise, if anyone should negatively position himself on some article, by suspending judgment and diverting his mind to other things, so as not to weary it, or that he may apply his mind to another thought. However, it must be noted that if a Confessor is elected for a supplement, he can be confirmed properly through another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond a triennium is odious and strict in regard to ordinary election, not extraordinary. For if one deliberatively and tenaciously suspends assent for this reason, thinking that the motives are contrary to faith and thereby make that truth uncertain, then he must be regarded as a heretic; indeed, he really positively doubts the truth of a dogma of faith which the Church proposes as certain, forming a deliberate and persistent judgment that all such dogmas are not certain. Thus C. de fide, n. 26, 2 v., 11 ar., 1.

Wiganct Tr. 7. Antioch Tractatus de Virtutibus. Tractus 10 capp. 4 n. 51 et 55, Cumilat. Translation: Tractatus quartus de indictione. Prece. c. 2 § 3 n. 4. Nat. Ord. 1. 4 ar. 9 reg. 23.

Bonac. de Censur. Doctor 2, quies 5, partitio 1, nota 3. 3, distinction 1, caput 9, nota 3, P. Ferraris Bib. verb. Heretic n. 4, and others. Requir. II.

That an internal error of one who is terrified may be externally signified by words, or signs intrinsic to themselves, or to circumstances manifesting heresy, so commonly 2 tr. 1 c. 14 n. 1, and Layman does not recommend incarcerating this excommunication. 1. Who is heretical you must understand purely. He who abstains from Mass, from fasting, and from adoring the saints. Sacrmento, praesumptum quia lib. 558. VII.

Regarding Ecclesiastical Censures and Irregularities, it is heretical; for these can be attributed to oblivion or a depraved conscience, unless clearer circumstances manifest the error more clearly. 3. He who should say: There is no God, tacitly implies Christ; or he who should write this with an illegible character. Reason, because words or signs ought to express heresy in order to incur excommunication. 4. Whoever should assert that he had previously followed heresy, or that he then intended to follow it in the future: because thereby a present heretic is not judged; thus requiring ...304 Requir. III.

That A act of heresy be manifestative is morally evil; hence one who manifests it for the purpose of seeking counsel does not incur excommunication. IV. It is required that he manifest his heresy with an

intent to profess it in his soul, as teaches . c. Otherwise in all these cases, because heresy is reserved for excommunication only on account thereof, any confessor can absolve him, congruent and from the annexation of excommunication to him by another law, namely, Christ, etc., de ità communissimè DD. V....305. But to be noted is this: if a Confessor be chosen as a supplement, he can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, since it is odious and strictly to be received in regard to ordinary election but not extraordinary, suffices so that presumptuous concealment of error may not be made without becoming known to others; for it is certain and common with similar cases and elsewhere.

If a confessor be chosen for supplement, he can well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a confessor beyond three years is to be strictly and odiously received concerning ordinary election, not extraordinary. For if a confessor be chosen for supplement, he can well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a confessor beyond three years is to be strictly and odiously received concerning ordinary election, not extraordinary. If such a manifestation be notorious, yet first he is not a heretic from the part of the confessor, if he had no jurisdiction or certainly impeded by censure (always and by itself should it be avoided, unless it be tolerated, except where it has been expressly nominatively declared and furthermore publicly denounced). Advertendum 2: If a confessor be chosen for supplement, he can well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a confessor beyond three years is to be strictly and odiously received concerning ordinary election, not extraordinary. For those who fall into heresy, invincibly ignoring excommunication, do not incur it according to what has been said in law 6 n. 74. Henceforth this excommunication is incurred by the presumptuous heretics and believers, that is, who externally manifest their assent to their errors, e.g., if anyone says: "I believe," or "Calvin believes," or "A confessor be chosen for supplement, he can well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a confessor beyond three years is to be strictly and odiously received concerning ordinary election, not extraordinary." Calvinus was a holy man. Presumptive supporters incur, namely those who favor heresies or through omission, omitting indeed with possession. Cap. II. Dub. IV.

Regarding Excommunication... 35g are and must be regarded as ex officio seized, custodied, and punished: or through commission, by praising or

aiding him so that he may flee. Receivers who receive a heretic as guests, or conceal him (even if only once), so that he may escape the penalties of his heresy. Defenders, who defend the errors of that person, even if internally they think otherwise, or who hinder so that he may not be taken by the judge or punished; thus. D. 21 sessi. 2 n. 6. Sanch 1. 2 c. 10 n. 2, and Salm c. 4 n. 63, together with others in common.

Question Nonehere I. These authors, as above, incur excommunication and other penalties, whether from the motive of favoring heresy or on account of consanguinity, friendship, or some similar reason showing favor to Heretics? The first sentence affirms, and they hold this. D. 3 p. 2- n. 5. Tolet. in expositione.

B. . 7, in fin. item Sayr. c 4 n. 67. But very probably the second opinion denies that which those hold, namely chapter two, section ten, note five. Good. D. 2 q. 5 p. 3 n. 2, et Ratio, quia, cum Ecclesia excommunicat et. in fin.. Question NoneIII.

Incurret qui Haereticum recipit, ne capiatur vel puniatur 308 capite, si jam tamen effectu incidat in manus Judicis? The first opinion, which 2 c. 10 n. 9 hold. Good. D. 2 q. 5 p. 3 n. 3, ac 21 sessi. 2 n. 8, et Fill. Leand. and others therefore say: if it happens that heresy is not fostered, excommunication do not apply.

The second opinion, which to me seems more plausible, and is held [by them] in paragraph 2, page 3, number 5. Sayr. l. 3 c. 5 n. 4, ac Duard. et Graff. apud . 70, affirmat. Reason, because when one receives a Heretic at that time, follows an affection of favor, and he incurs censure, when in fact there is already heresy. 360 Lib. Seventh. Let the matter of excommunications and irregularities be fortified, hindering, that the defendant may not be taken captive, at least at that time when he is hidden by him who preserves it, so that if a confessor be chosen for supplementation, he can sufficiently be confirmed through another triennium after the time of supplementation, because the prohibition regarding non-choosing a confessor beyond a triennium, inasmuch as it is odious and strict, should be understood with regard to ordinary election, not extraordinary. Afterward, the effect of reception ceases upon capture. Moreover, they incur excommunication through the Bull even if superseded I.

Stealing goods from shipwrecked Christians, whether existing on ships, or cast forth into the sea by them, or found on the shore. However, it is required that the acceptance be unjust and with certain knowledge; if a

Confessor be chosen for the supplement, he can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition of not choosing a Confessor beyond three years, as odious and strict in the case of ordinary election, not extraordinary, ceases upon capture. Let the goods of shipwrecked Christians—whether existing on ships, thrown into the sea by them, or found on the shore—be taken. Thus 5. Hence is excused the receiver of papyruses, flour, sugar, and similar things thrown, because such things commonly perish in the sea and are immediately thrown out. Thus likewise, he who receives goods which have lain for a long time on the shore, because they are deemed to be then held by the owners as abandoned property.

Thus also, chapter and section 3io II. Fallent dominici juris, qui in suis terris sine privilegio imponunt pedagia, idest tributa pro transitu peronarum, sive rerum, vel pro refectione, et custodia viarum, aut gabellas, idest impositiones pro delatione, et venditione mercium. Such a privilege do all Supreme Princes possess, namely, Pontiffs, Kings, Republics, and Universities, as they are required to impose collections upon themselves in order to provide for the necessities of the citizens, according to 5a2r2n4 et II.cc.3i. III. Pirates incur when killing or plundering Christians in the ecclesiastical sea.

IV. Falsifiers of Apostolic Letters. V. Transmitting weapons, or the material of weapons, to hostile unbelievers, or those heretics who have been declared such. VI.

Unjustly hindering, so that provisions may not be impeded from being sent to Rome. Court. VII. Troubling those who approach or withdraw from the Roman Curia on account of matters pertaining to it. VIII.

Troubling pilgrims who go to Rome for the sake of devotion. IX. Troubling or expelling Bishops, Legates, Envoys, and their Vicars; Nor less, ordering, approving, and favoring such actions. Cap. III. Doubt. I.

Concerning those who suspend and strike them (or their agents), who go to Rome to seek assistance for their affairs. XI. Concerning those who suspend or strike them (or their procurators), who go to Rome for their affairs. Appealing under a private pretext to secular courts in matters ecclesiastical, to hinder the Apostolic Letters. XII. Those who, by lay authority or under the pretext of exemption, withdraw spiritual causes either themselves or annex them to themselves from Ecclesiastical Judges, etc., as it is said at 5 a. 2 n. 13.

XIII. Whoever draw from any color, or cause others to draw Clerical persons to Lay Tribunals, etc., see . 15. XIV. Impediments to ecclesiastical judges that they may not use their jurisdiction. Usurpers of jurisdiction, and fruits of benefices.

XVI. Imposing burdens upon the Ecclesiastical. Nevertheless (to be noted), those are bound to contribute when collections are imposed for the provision of necessities, such as roads, fountains, etc., whose usefulness directly pertains presumptively to themselves; . 18, oum Abb. et Mol. XVII. If they interpose without jurisdiction in matters criminal against ecclesiastics.

XVIII. Usurping jurisdiction in the territories of the Roman Church. Finally, from the Bull of Clement. VIII. All are still induced to excommunication reserved without the faculty of absolving from the excommunications of the Bull of the Cenacle outside the article of death, according to art. 2, infra. § CAPUT III.

ON SUSPENSION AND DEGRADATION. ## QUESTION I. What is suspension, its five aspects; and from what source it deserves to be considered as such in regard to both the quality and quantity thereof? 312 What is suspension? And who can be suspended or suspend another? 314 Doubt 1. Does it incur irregularity if the suspension is made for a time? Dub. 2. Whether a Bishop, being suspended and retaining the Pontificals, incurs irregularity by exercising the Pontificals? And what if he solemnly celebrates Mass? [Ref: 562 Lib.]

VII. On Censures of the Church, and Irregularities. Whether a suspended priest who has not tolerated an illicit absolution forgive? What if it is tolerated? Or has he been suspended from the Order for such a brief time? In how many ways can suspension be inflicted? From what quality of suspension can we gather its nature? See Resol. ap. Busemb.

Dubium 1. Can a suspension for benefit be retained when one is poor, to retain the fruits? Dub. 2. Is a suspension à beneficio deemed to be a presumed suspension à beneficiums which he possesses in another diocese? 317 Are individual members of the community considered suspended? And do they thereby incur irregularity? Should a suspension be imposed in the writings?

Sure. Here is the literal English translation of the target sentence: Sic respondentem respondens 1. Suspension is a censure by which a cleric is prohibited from exercising certain ecclesiastical functions. See

Bonaventura, de hoc distincto tertio, partitis prima, tractatus quintus, caput tercium, Unde resolvitur.

» 1. The cleric alone can suspend. » 2. Alone the cleric can suspend. They can suspend who can endure censure. » 3. They can suspend who are able to bear censure.

By its very nature, and unless the matter is trivial, it is a grave sin to exercise an act prohibited by suspension, whence also irregularity is induced. Si tamen suspensus toleratus, se non ingreditur in tales functiones, sed ab aliis propter utilitatem requiratur, probabiliter non peccat, cum alii licite requirant. Nay, although it is specifically denounced and not tolerated, others are nevertheless not bound to avoid it under mortal sin, unless they are deemed to cooperate in the act from which the suspension ensued: whence hearing his Mass will not be a sin (at least mortal), if one does not minister in it. Thus probably Avita, Heur. » 3 p. 4 n. 4, praesumptum . c. c. 1 n. 7. * (Et ita communitius etyerius tenent . 4 p. 6 n. 1.

» p. 395 n. 252, and Avila. » etc., qui rectè addunt esse omnino licitum audi-re Mis-sam a Sacerdote suspenso (contra Tourn. p. 523, cum Bonac.) Limitat tamen c. nisi scandatum interveniret. It is certain among all, if a Confessor be chosen as supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be received concerning an ordinary election, not an extraordinary one; for if a Confessor be chosen as supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be received concerning an ordinary election, not an extraordinary one. A cleric suspended will sin gravely if he exercises an act forbidden by suspension, Cap. III. Doubt.

I. Clericus suspensus peccet graviter, si exercet actum vetitum per suspensionem. On suspension and degradation, see excused nevertheless 1. If he exercises the Order not sacred, or sacred but not solemnly; qu. 5; with S. etc. (contra.) V. dicta 1. 6 n. 38, v. Objection 2. It is excused at least on account of grave fault, if he exercises [it] through ignorance or great fear, or in a matter of little importance; for example, if he were suspended from jurisdiction or from the Order, and exercised a light act of jurisdiction, or blessed a table; but not if he blessed water, weddings, fruits, etc., according to ecclesiastical solemnities; Bon.

D. 3 p. 4 n. 6. Tourn. loc. cit. et Sed hic dubitatur. 1. Does a cleric incur an irregularity if he exercises an act from which he was suspended, when the suspension was issued for a determined period of time? There are three opinions. The first opinion denies this, and this is held by the Gorbians.

Avila et cons., 5, n. 13, qui probabilém putant cum . The second sentiment more commonly affirms this, and those who hold this are . 26th session 2 note 3. Good. D. 3 part. 4 n. 6. . 1. 5 n. 96, et . 6 a. 4 n. 5. This is proven from c. 1, de Limitant verò . 11. cc. et Tertia sententia, quam probabilem putat Secùs si suspensio sit lata ab homine per sententiam ob meram punitionem criminis om- 364 Lib.

VII: Concerning ecclesiastical censures and irregularities of the past, because such a suspension has more the reason of mere penalty than of censure, according to what is said in n. 52: For since censure being a medicinal penance should not be inflicted for a crime utterly past, as we said in n. 54. Therefore, when anyone transgresses this kind of suspension, he incurs no irregularity, which is incurred not from violations of penalties but from censures. Neither does the aforementioned text oppose this opinion, for there it is not a question of a suspension broadened by human sentence through particular decree, but broadened by law through general statute; if a Confessor is elected as a supplement, he can be suitably confirmed through another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond a triennium, inasmuch as it is odious and strict, is to be understood concerning ordinary election, not extraordinary. This regards future crimes; hence such suspension truly is a censure. Doubt: Aha! An Episcopal person suspended by the Pontifical authorities would incur no irregularity if exercising pontifical functions, for example, in confirming; consecrating Chalices, etc.; but Sylv. deny this. Suspension § 5, et Iunoc: Abb. l. i, in c. vel non est compos. de Temp. quia (ut dicunt) Episcopatus non est ordo, sed potius extensio, sive complementum Ordinis Sacerdotalis, ut terent Th. 5. Wherefore they infer: When exercising episcopal function, these functions do not contract irregularity, since such irregularity is incurred only when the censured one exercises the Sacred Order.

They affirm however the probability: 27 n. 163. Good. D. 3 page 4 number 6, verse. Thirdly, even though Major and c. n. 36, along with Palud, hold that if a Confessor is chosen as a supplement, his choice can be well confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary one. For if a Confessor is chosen as a supplement, his choice can be well confirmed by another triennium after

the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary one. Episcopatus sit tantum extensio Ordi- nis sacerdotalis, et non distinctus, esset vera (si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.) negant plurimi ap. c.; tamen non potest ne- gari, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. tale exercitium potestatis Episcopalis sit actus Ordinis Sacri, si non distincti, saltem extensi; quapropter Episcopus dicitur vere exercere actum Sacri Ordinis.

The more so if a Confessor be elected for the supplement, it can be suitably confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond three years is to be understood odiously and strictly in regard to an ordinary election, not an extraordinary one; which same text says that if a Confessor be elected for the supplement, it can be suitably confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond three years is to be understood odiously and strictly in regard to an ordinary election, not an extraordinary one; although the Episcopate is not an Order in relation to the Real Body of Christ; yet it is truly an Order in relation to power in the Mystical Body; whence the previous major thesis does not seem sufficiently probable. If however the Bishop is suspended from the Pontifical Functions Cap. III. Doubtful. I. Of Suspension and Chapter 17, Section 2, Note 28.

Sartorius, 1:4, c. 4, n. 13, et Renzius, p. 643, q. 4. But there arises a presumptuous irregularity; they affirm the Angels. v. Suspension 3 n. 3. cc. Ratio, quia talis celebratio est actus proprius Ordinis Episcopalis, cum non possit exerceri nisi ab Episcopo consecrato. But they deny it more probably, 1 tr. 5 c. 3 n. 4, with Sylr. 10 R. 4, with Joan. Prepos. who attests that this is the more common opinion of the doctors.

Reason, because, the Bishop by celebrating does not exercise an act of the substantive Order of Episcopacy, but rather an act of the Priestly Order, from which he is not suspended; and if a Confessor is chosen as a supplement, it can be well confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, insofar as it is odious, strict, and to be received as a rule on ordinary election and not extraordinary. The celebration should take place with Pontificals; by chance n° se habet; yet irregularity does not incur unless in the exercise of the prohibited act of the Order. And this opinion he expressly holds the presumed Doctor D. Anton., in book 3, part 1, title 27, chapter 4, section 4, verse. If it is suspended, according to Hostiensis, thus saying: Suspended by Pontificals, if he celebrates with Pontificals, he will not be irregular, because the Pontificals are not part of the substance of the celebration, and we must not judge anyone irregular unless there is an express finding. Still more, if a Confessor be chosen as supplement, he can be well confirmed by another triennium after the time of the supplement, because the prohibition concerning the non-election of a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood of ordinary election, not of extraordinary one; which (prohibition) Fagn says likewise. I. c. in c. The question concerning cohabitation etc., suspended on account of a crime, only incurs irregularity when the Canon so expresses it, since another kind of suspension is understood narrowly as regards itself alone, namely, if a Confessor be elected for supplementation, he may properly be confirmed through another triennium after the term of supplementation, for the prohibition against electing a Confessor beyond a triennium being odious and strict, is to be received in reference to ordinary election, not supplementary. Thus, if a Confessor be elected for supplementation, he may properly be confirmed through another triennium after the term of supplementation, for the prohibition against electing a Confessor beyond a triennium, being odious and strict, is to be received in reference to ordinary election, not supplementary, as one who is deemed unworthy is forbidden from ministering.

4. A suspension that is not tolerated absolves invalidly, quia non habet jurisdictionem. * Nam si toleratus, quia hic valide jurisdictionem exerceret: etsi illicité, si non esset requisitus; . Sed suspensus ab Ordine non est suspensus à jurisdictione. Thus commonly St. Thomas responds.) Resp. 2. Suspension. 1. one is said to extend to a certain term, by which having elapsed, it expires: another is said absolutely, or indefinitely, and remains until it is remitted through absolution. 2. Another [thing] is from the office, whether it be of the Order or of the Book.

VII. Concerning the Censures of the Church and Irregularity. jurisdiction; one from benefit; another from both: 3. Suspension from Office is either total or only partial, namely from the Function of Order or Jurisdiction. Item suspension of benefit, either entirely from the benefit, or only from certain functions thereof which are competent thereunto, as cc. Resp. 3.

The quantity and quality of the suspension must be collected from the words in which it is conveyed: Which, as far as properly accepted they signify in reality, are not to be extended further than they properly signify. Hence it resolves. 1. When suspended absolutely and entirely, every exercise of reason deriving from office is prohibited, whether of the Order or jurisdiction: consequently he cannot celebrate, nor validly excommunicate, confer benefits, etc. However, when suspended with respect to a particular benefit, for example, only from the Order or merely from jurisdiction, he is deprived only of those functions of that office. Under suspension, for instance, a Bishop, even though he cannot excommunicate, absolve, or delegate, may nevertheless exercise acts of the Order, such as consecrating temples, ordaining, etc. Bonac. loc. cit. 2. Suspension from a certain function of the Order, for instance from the administration of sacraments, does not imply suspension from the sacrifice.

Similarly, one who is suspended from the Order can nevertheless confer the first tonsure, because it is not included under [the prohibition]. Suspensus ab officio simpliciter non intenditur suspensus à beneficio, seu fructibus ejus. However, nevertheless it can be supplied by another who is incapable of doing so by himself, in order that the fruit may be received. Bon. num. 10, ex . Henry

Thus. Session 26, Article 3, Note 4. Tourn.) » p. 516. c. 5 n. 20, cum » l. 3 » in q. de cohabs. Clér, etc., n. 30, Sed rectè-mitant: Suspensus ab Ordine non videtur suspensus à beneficio; quia beneficium non fundatur in Ordine. However, it is said that one is indirectly suspended from the fruits thereof: because while he cannot perform the office, he cannot receive the fruits. See seq. n. 5.

» 5. Suspension from benefit, although this itself may be understood as suspension from receiving its fruits, yet not from office or jurisdiction or Order, if anyone is elected Confessor for supplementation; it can indeed be well confirmed by another triennium after the time of supplementation, because the prohibition against electing a Confessor beyond three years, insofar as it is odious, strict, and to be received as such from ordinary election, not extraordinary, is for that reason the concern of the very benefit itself. Hence, one must hold that hours should be read and other

burdens of the benefice should be fulfilled, although they do not bring enjoyment; this indeed should be imputed to them. Non tamen privatur commodo si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. provenit ex anniversariis stipendiis Missarum, nec eo, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. datur propter onus personale Clerici: quia non sunt fructus beneficii. Thus is it with the daily distributions *. Cov. etc., apud Sed contra 7, et iidem Salman. ibid. cum c. n. 12.

Sayr. A suspense from a benefice, if he be poor, may he retain the fruit for himself? It is responded affirmatively, "if the suspension is broad in respect to the penalty of a crime completely past (see what was said in lib. 3 n. 602); otherwise, if it has been broadened because of contumacy, because he who voluntarily despises the discipline of the Church should not be assisted by the Church, since he can freely withdraw from his contumacy; thus . 27 sess. 2 n. 3." Fill. tr. 27 n. 53. Renzius p. 644. q. 7 » cum communi, et 10 R. 3 cum Dicunt tamen 518 v, Dico 2 Diana, et Renzius ll. 368 Lib.

VII. On Ecclesiastical Censures, and Chapter 3, Decree Number 672. Dubium 2. An suspension from a benefit is considered also a suspension from other benefits which he possesses in another diocese? Sayer denies absolutely in his work "Decretales," volume 1, chapter 4, note 21, because (according to him) the Bishop has no jurisdiction outside his own territory.

Others however distinguish and deny, saying that if suspension be general by a person, it should be so according to the law, because law everywhere ought to have its place; thus Decius and Renzius, lib. 1, p. 645, say. But if it be general by a person, they say that it is understood only with regard to Benefices of his own Diocese, when suspension is effected through statute: but if by sentence, provided the Bishop expressly manifest his will to suspend from all Benefices; for although the Benefices of another Diocese do not pertain to him, nevertheless the person suspended has a right to the fruits of the Benefice: whence, since suspension impedes this right, consequently he is suspended from all Benefices. When however

suspension is through a general statute, it is understood as broadened only with regard to benefices within the diocese. Doubt. 3. If however a suspension acquires a new Benefice during the time of the suspension, is the conferral null? Bonac affirms that if a suspension acquires a new benefit during the time of suspension, the collation shall be null.

D. 3 p. 2 n. 10. Et dixi, cum Palao et Manstrio, quia beneficia da- nutur propter officium; ergò suspensus à beneficio acquisito est praesumptus suspensus à beneficio acquirendo; cum non possit munera beneficii exercere. They however deny more reasonably. Session 26, Chapter 3, Note 8. Page 5, Chapter 3, Note 4. Antoine page 634 verso 2. 10 reference 7, with Cornejo, Gordon. Preposition: because no penalty ought to be inflicted except where it is expressly stated in the law; yet nowhere here—Chap. III. Dub.

I. In the case of suspension and degradation 56g punishment is incurred; but rather from c. Cum bonæ 8 de Ætate et qualitas it is concluded the contrary, because there, when certain individuals had remained in suspension for a quadrennium, the Pontiff ordered those to be stripped of benefits both previously acquired before, as well as those acquired during suspension; therefore the collation was valid. - 6. Suspension from a benefice can nevertheless be withdrawn, presented, and conferred with regard to the benefice, since although these rights belong to him by reason of the benefice, these acts are not of the benefice but rather of office and jurisdiction. ibid. 7. Suspensus à beneficio, vel Ordinem absolutè, et sine addito, intelligitur suspensus ab omni bene- ficio, vel Ordinem, nisi aliundè aliud constet ibidem n. 8.

8. Supensus à beneficio, vel Ordine absolutè, et sine addito intelligitur suspensus ab omni bene- ficio, vel Ordine, nisi aliundè aliud constet ib. n. 8. Absolute suspension is understood by office and benefit, 9. When the chapter or convent is suspended, individuals are not considered suspended unless they are in fault, says S. "Suspension, and so on, chapter 3." » When suspension is understood in terms of the Community alone, it does not affect individual persons so far as particular matters are concerned, but only so far as Offices or Benefits of the whole are concerned.

Community; thus commonly Bonac. D. i q. i n. iii c. 5 n. 43 et 46, cum . Henry D. 4 p. 3 n. 3. 28 s. 4 n. 4. n. 47. cum Con. et Cor. do not incur irregularity, because that prohibition is not properly a censure but rather the inability of particular persons to perform such offices. If however suspension is regarded as applying to the Community and to each individual within it, then it does not affect the innocent but only those who have sinned; for no one can be excommunicated or suspended on

account of alien guilt, as commonly taught c. n. 2. l. q D. 32 n. g.

Soult. et. lib. 51 num. 56, cum Concilium. Avili. part. Chapter where it is said: When their authors have once held a position steadfastly, they should not subsequently incur further blame, Book VII, Chapter 570. Regarding the censures of the Church and irregularities, it refers to what offense has been exceeded in its return. « 10. If a Prelate simply speaks to a Priest the word "I forgive you," for example concerning a celebration, it seems that this is merely prohibited by simple prohibition, not censure, because such a thing is not understood to be licit unless written (as in the following note up to number 2). A Prelate, however, should not be presumed to wish to sin, unless otherwise is certain about his intention; or unless a Religious has a privilege without writing to impose censures.

See Bonaventura on censures in common, day one, question one, article p., page seven. (Ita etiam et Henry.) Dubium II. What are the suspensions in particular cases; and by whom can they be remitted? 318 What are the suspensions of Common Law pertaining to Clerics? 319 What those of Religious Orders? 320 What those of Bishops? 321 Can anyone be suspended on account of light fault? 322 Who can remit a suspension? 318 "RESP. 1. Suspensiones Juris communiores sunt « sequentes. » 1. « RESPOND. The suspensions of common law are » that follow.

Clerics themselves are suspended by law, those receiving sacred orders from another, or from their own in a foreign diocese, or without legitimate age, or dismission letters, or title, or outside of times, or not serving vacant benefices per saltum, or under censure, or finally after a valid marriage, all of whom are suspended from the execution of orders, unless they have done so without deceit and if they use them are irregular. 2. Clerici per se jure sunt suspensi, qui recipient Ordines sacros a alieno vel a proprio in aliam diecem ps, vel sine aetate legitima, aut dimisirosis, aut titulo, vel extra tempora, aut non servatis interstiliis, per saltum, vel in censura, vel denique post matrimonium ratum, qui omnes sunt suspensi ab executione Ordinum, nisi fecerint absque dolo, et si ordine utantur, sint irregulares. Excommunicating, suspending, or interdicting without scripture and cause expression is suspended per mensem from the ingressus Ecclesiae, nisi sit Prälatus regularis. 3. Clerics knowingly electing an unworthy Bishop, or Parish Priest, are suspended from their benefices for two years. He who orders or is ordered simoniacally is suspended from the Orders.

Parochi jungentes spouses sine liceo de aliarum Parochiæ, 6. Gravantes Cap. III. Dub. Chapter Two. Of five one thousand one hundred and one hundred and one hundred and one hundred and one hundred and one hundred and one hundred and one hundred and one hundred and one hundred and one

hundred and one hundred and one hundred and one hundred and one hundred and one hundred and one hundred and one hundred and one hundred and one hundred and one hundred and one hundred and one hundred alienis debitis Ecclesias sibi commissas. 7.

Possessors of goods, or revenues of the Church, benefices, or any other pious place. Exerciting sodomy, simoniacs, provokers to duels, or accepters of them, rapacious, or furnishing assistance. 9. Disputing in either part in a company of men and women concerning the Immaculate Conception B. Of the Virgin. 10. Visitors, if they should receive money or gifts: if they are bishops, they have been suspended from entering the Church; if they are subordinates to a bishop, from office and benefice until they restore double.

Judex Ecclesiasticus (non Epis-» copus), qui facit injuriam contra justitiam, et con-» scientiam, parti litiganti. See Bon. d. 3 p. 5 (* Ad- » de 12. Negating absolution for a renouncing accomplice, they refuse to manifest; these lie under a sentence of suspension as prescribed by the Bull Ubi primum Benedict. XIV. See at the end of the book Dec.

Four. Add 13. Those celebrating in the Latin Rite and Greek Rite, and the Greeks in the Latin Rite), 2. Religious. 1. Apostates receiving Orders in similitude of Apostasy. 2.

Admitting to profession before the completion of the year of probation. 3. Not using a habit and clothing prescribed to them in any way. Introducing women into monasteries. Not using merely the habit and dress prescribed to them. Bishop. 1.

The ordinand who is not a subject is considered once a year in connection with the celebration of the Pontificalia. The bishop. 2. To send resignations, according to the prescribed form. Into the monasteries of nuns without necessity. V.

Resp. 2. Besides these suspensions, others arise from 3:21 regarding man, which, if they are serious, require mortal sin; for example, when someone is suspended from all acts of his office, or from the fruits of one year's labors. Nevertheless, someone can be deprived of one act on account of a venial sin, for instance, in the act of choosing. » But here there is doubt whether a suspension can be imposed for a venial sin? They affirm that, Med., and Henr. according to Escob. l. 51 n. 58.

But more truly and commonly they deny it. 28th Session, §72, Book. VII.

On Censures Ecclesiastical, and l. 2 D. 32 n. 9. 4 p. 3 num. 4. Salmanticen states: "from the 44th," and Soto, indeed, from any use of the Office or Benefice, or from anything pertaining to them for a notable period of time, then mortal sin is required because the punishment ought to be proportionate to the fault; hence there would be no suspension if a venial penalty were imposed. But if the suspension were partial; namely, from the Office or from the Benefit for a brief time, as is said in 1 q. 1 p. 3 n. 8, who also says that if the suspension were total but for a very brief time, such as one day or one week.

They also say in 6 c. 4 n. 17; and in 3 D. 1 p. 15 n. 3, and in 322 « Resp. 3. » Possessing Episcopal authority, one can absolve from a suspension not reserved: and religious persons publicly, by virtue of privileges, can absolve from any suspension in the forum of conscience: the Bishop can absolve from any suspension of law if it has not been specially reserved to the Apostolic See. Bon. d. 3 p. ult. ex Trid sess. 24 c. 6. If the suspension be imposed for a limited time, or conditional, e.g., until or unless restitution is made, then at the end of the term the suspension shall be lifted without absolution, according to Avila. But if suspension be imposed absolutely, each Confessor can absolve from it, unless it be reserved, or unless it require satisfaction from the party. When therefore suspension is incurred by the Community, only he can absolve from it who has jurisdiction over the Community in contentious matters; DUBIUM III.

What is Depositio et Degradatio? And by whom, and on what account can they be subjected to suspension? "They commonly subject Suspensioni Depositio et Degradatio; 323" (even though censure does not exist as stated in c. 1), because of the likeness which they have with Suspension, since both are either from Ecclesiastical Order or Benefice. But they differ from suspension if some Confessor is chosen as a supplement, and can be well confirmed through another triennium after the time of the supplement; because the prohibition against choosing a Confessor beyond three years, insofar as it is odious, strict, and to be received for ordinary election, not extraordinary, shall take away that very root-right and title of benefit permanently, whereas suspension itself does not. Furthermore, the Depositio generally accepted is one kind, which is Verbal and is called absolute Depositio; another kind is Real, which is commonly said to be Degradatio. » Resp. 1. Degradiatio est privatio executionis officiorum et beneficiorum simpliciter, in toto, et absque spe restitutionis, facta cum certa solemnitate, et privatione privilegii clericalis tam canonici quam fori, ita ut subdatur curiae sæculari.

I said, "Of execution," because the Order itself cannot be abolished. Interim degradatus tenetur ad votum castitatis si fuit in sacris (Et invalide

matrimonium contraherei, atque valide consecrarret hostiam; 5 n. 60, cum aliis), et ad horas nisi has forte poena, ad quam danatur, v.g. triremes, vel aliquid impediat. » Resp. 2. A verbal deposition is akin to a similar deprivation but without solemnity, pronounced and with both privileges of canon and forum retained. » Resp. 3.

Clerics can be degraded by their Bishop, 326 but not by inferiors; yet they can be removed in this manner by the same through a Vicar. » Resp. 4. Depositionem fieri potest in casibus à jure 327 expressis et delictis, non tamen nisi gravioribus, arbitrio judicis. Where it notes to be enormous, that is, one of the greatest. Deprecation » similarly can occur only in cases of utmost gravity, § 574 Lib.

VI. Of Censures Ecclesiastical, and Irregularities. Such are for example: a manifest heresy, the falsification of Apostolic letters, frequent sodomy, and grievous calumny directed against one's own Bishop. V. t. 18 c. 8. (When a cleric has been degraded, only the Pope can dispense: but when there is a deposition, if the Episcopal officeholder presumptuously holds it and the crime is less adulterous; : 5 n. 68.) ## HEAD IV. DEINTERDICTO: DUBIUMI.

What is it, and how manyfold? What is Interdictum? Is it manyfold? Are interdicta imposed upon the City also upon the Suburbs? And concerning the Ecclesiastical Regulars? Who are excluded from the General Personal Interdict? And whether, by an interdict against the Clergy, Religiosi or Clerics without Benefice or Office are interdicted? And what if Cities or Civitates themselves are interdicted? R 1. It is a canonical censure prohibiting the use of offices of divine worship, certain Sacraments, and the practice of ecclesiastical burial, insofar as such it is.

If a confessarius is chosen as a supplement, it may be well confirmed by another three years after the time of the supplement, because the prohibition concerning not choosing a confessarius beyond three years, inasmuch as it is odious and strict and to be received regarding ordinary election, not extraordinary one; I add, because excommunication deprives him on that account which pertains to communion with the faithful, whereas suspension properly speaking does not prevent the use but the exercise of ecclesiastical power. V. . 2 » t. 5 p. 4 c. 1. Bonac d. 5 part. 1. Response 2. The interdict is divided 1 into local, if someone is appointed Confessor as a supplement, it can be sufficiently confirmed through another three-year period after the time of the supplement, because the prohibition against appointing a Confessor beyond a three-year period, inasmuch as it is odious and strict, should be understood with regard to ordinary election, not extraordinary. Therefore, if someone is appointed

Confessor as a supplement, it can be sufficiently confirmed through another three-year period after the time of the supplement, because the prohibition against appointing a Confessor beyond a three-year period, inasmuch as it is odious and strict, should be understood with regard to ordinary election, not extraordinary.

» immediately place affects it: and in Personal, if a Confessor be elected for supplement, well may it be confirmed by another triennium after time supplement, because prohibition concerning non-electing a Confessor beyond triennium, as odious, strict, and to be taken strictly is from ordinary election, not extraordinary., that, if a Confessor be elected for supplement, well may it be confirmed by another triennium after time supplement, because prohibition concerning non-electing a Confessor beyond triennium, as odious, strict, and to be taken strictly is from ordinary election, not extraordinary. » Immediately affects persons; and in mixed cases, if a Confessor be chosen for supplementation, it can be suitably confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is odious and strictly to be received regarding ordinary election, not extraordinary. That, if a Confessor be chosen for supplementation, it can be suitably confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is odious and strictly to be received regarding ordinary election, not extraordinary. Immediately affects place, and its inhabitants. It differs however between Locale and Personali: if a Confessor is elected for supplementarily, it can be well confirmed by another triennium after the time of supplementarity, because the prohibition of not electing a Confessor beyond three years, as odious, strict, and to be received for ordinary election rather than extraordinary, does not absolutely, but only in the place interdicted; whereas this is different in the aforementioned participation of sacred offices for both indigenes and alienigenes. Dub. I.

Of the Interdict. To certain persons or community may be absolutely prohibited and everywhere. The interdiction, whether local or personal, is subdivided into general and particular. The general interdict, for example when a general place such as a college, etc., is prohibited. Particulare, quod locus aut persona particularis vel particulares interdictium conterrunt.

» 1. Interdicts imposed on a city interdict a supposed suburb; and interdicts imposed on a parish interdict a supposed chapel or an adjacent cemetery, because the accessory follows the nature of the principal. (According to c. Si licitas.) It is to be seen that also Clerics and Regulars

are bound to observe this interdict; moreover, the same Bishop who imposed it is excepted, save the Pontiff: n. 8, but see what has been said above. IV. n. 6i, infra infertur III.) 2. The people being under interdict, those who are not part of the people, such as students, clerics, peregrini, etc., will not be interdicted (Ita et sic est contra). In like manner, the clergy being under interdict, laici do not come. According to canon law, here it should be noted: if a confessor is chosen for supplementation, he can well be confirmed by another triennium after the time of supplementation, because the prohibition on not choosing a confessor beyond three years, since it is odious and strict, should be understood with respect to ordinary elections, not extraordinary ones. For this reason, those under personal general interdict are examined 1.

Bishops who are excluded even from general suspension). 2. Infants, and those who are insane are two kinds of incapacables: yet they are deprived of ecclesiastical burial. Innocentes, statim ac aliunde domicilium collocant. 4. Externi, etsi per multum temporis intervallo inter illos evemant habitent. Nec, interdicto clericis, interdicuntur religiosi, qui in favorebilibus tantum nomine clerici comprehenduntur (ita tenendum cum Nist religiosi beneficium vel officium in illo populo haberent.

Salmantic. ib. Notandum etiam, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Interdicto Clero, non veniant Clerici qui non 376 Lib. VII. Of Penalties Ecclesiastical, and Irregularities. They rejoice in the privilege of sanctuary; nor do other clergymen have any Benefice or Office there, for they do not constitute one body with the Clergy. . n. 16.) * 3.

If it is said that the citizens (for example) of Cologne are interdicted, they nowhere can interest themselves in divine matters (unless indeed they cease to be citizens here, and give no cause for the interdict); but on the contrary, if the City itself is subject to an interdict, even though the citizens or inhabitants who have not given a cause for the interdict may go elsewhere, nevertheless they can interest themselves in divine matters. ### SECOND DOUBT. Who are the effects of the Interdict? The effects of the interdict are one. Divine Prohibitions of Offices. 334 II.

Prohibition of the Sacraments, excepting Baptism, etc. 335 III. Prohibitium sepulture. 336 IV. Mortal sin, if someone is chosen as Confessor as a supplement, can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strict, must be

understood concerning ordinary election, not extraordinary; and thus the violation of the Interdict is committed by those who transgress this prohibition. Item irregularity, which is incurred by Clerics, and excommunication by Religious. 333 « Resp. The following are: Prohibitium of Divine Offices; * (By the name of Divine Offices come all things which can be done by the sole Clerics; Not however by Offices B.

V. Muriae, defunctorum, etc., si dicantur privatim et in loco non deputato ad illa; commu- niter 6 n. 50.) Unde etiam interdicti ob alienam culpam non possunt interesse sacro. Nevertheless, clerics and religious persons, when themselves are not interdicted, can and should, as before, celebrate masses and divine offices; but solemnly with closed doors, and not with sounded bells (except for preaching, angelic salutation, or some death); in a low voice, and excluding any interdicted persons. * (This is according to the code of Alma Mater; concerning the name of clerics and monks (for laics nothing is conceded), all such come both times who enjoy the privilege of forum and canon. Hermitages and hospitals named after churches come, even by authority of the bishop; not however private secular oratories; thus according to Psalm comm. n. 56. It is said, excluding interdicts, that (understanding this) if they have been denounced from the pulpit [Quarè], and if after admonition they do not wish to depart and if the Mass has not been begun, one should cease from celebrating; otherwise, he who celebrates incur irregularity.

This, however, proceeds if the celebration takes place in an interdicted place, because there is not reckoned the authority to celebrate there unless the interdicts are lifted, etc. On the other hand, if the celebration takes place in a non-interdicted place, as they say, Hol. It is said from tome 4 part 388 with another Author, if a Confessor be chosen as a supplement, it may well be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, being odious and strict, should be understood in reference to ordinary election, not to extraordinary; then ought he to be interdicted; but if he cannot be interdicted, the celebrant is not bound to cease, because it is nowhere commanded, but rather what is fitting for avoiding excommunicated persons (should be done). * Nevertheless, permission is given that a celebration may take place on the feasts of the Nativity of the Lord, Easter, Pentecost, and the Assumption. V. Et per octavam Corporis Christi divina officia cantentur solemniter, admissis etiam interdictis, dummodo qui causam interdicto dederunt, altari nec appropinquent, nec veniant ad offertorium vel communionem. * (Hinc his diebus interdicti tenentur audire Missam.) Whoever however have the privilege of hearing [confessions], can and indeed refrain from hearing the Sacred, conforming themselves to the common law. Ità » etc. Regularibus autem possunt

admittere ad Divina Officia Famulos, Procuratores, Advocatos, Operarios, Beatas, Tertiarios, si hi non sint specialiter interdicti, nec causam interdicto dederint.) * II.

Prohibition of the administration of the Sacraments, excepting Baptism, Confirmation, and Penance. * (As is found in the c. Alma Mater: that which is interdicted generally by the Minister, not specially.) And it is said of those who universally are permitted: except those who have caused a reason for interdiction, even by means of assistance or favor; and except personally and specially interdicted, unless Lib. VII. Of ecclesiastical censures and irregularities.

First let them present the due satisfaction, if they can; but if they cannot, at least a surety bond. * Eucharistia tamen potest dari morituri, et deferri cum lumine, et campana. * (Now as for the clerics to whom Mass is allowed to be heard, as was said above, may they be able to communicate? » There is a double opinion; see Tenents, namely, that the Sacraments of Ordination and Extreme Unction cannot be received by those who are under interdict, neither at any time during the period of the Interdict. But as regards the Extreme Unction, contrary to Croix l. 7 n. 198, when . and ; contrary to . * (And they deem this sentence more probable . 6 nu. 47, with . Avila, etc., from c. Capellanus, de Feriis, where it is said . Marriage can be contracted at any time. Here note this further: When the scandal ceases, they can be heard to receive the Sacred; the Sacraments can be received. Religious, however, when an interdict is observed by the Cædinal Church or Matrice, are bound to observe that; and moreover, this must be null from any head, according to d. n. 30 et 31.* III.

Prohibited is the sepulture in the church, presumptuously with respect to infants and madmen. Receive however, the priests, who in a local interdict are not specifically named as under interdict or having violated the interdict, may be buried in silence. Therefore, the priests in a general or personal local interdict can be buried in the church with presumed Mass, without pomp: they can be buried in a specially interdicted church only without Mass; and if they happen to be buried there, they must be exhumed; when however the interdict ceases, all should be placed back in their sacred place. The priests violating the interdict commit mortal sin; moreover, even slight matter is excused, namely, if priests exercise functions that can be performed by laics, according to Boniface c. 8r. Likewise, they are excused if they permit the door to remain open for a brief time. If priests exercising the Sacred Order, if they be specially interdicted, or in a specially interdicted place, or in a generally interdicted place with doors open, etc., as above, sin gravely and incur irregularity; whereas admitted laymen interdicted from Divine Offices are prohibited

from entering the Church itself by fact of entrance into it, that is to say not for private prayer therein, but for the exercise there of Sacred Orders, as they say, etc. with which the Religious of either sex also conform in fact and are excommunicated. Laici vero peccant graviter, si contra interdictum personalium recipiant sacramenta; si tamen tantum violant locale, v.g. audiendo divina officia, probabile est tantum esse veniale, dummodo ipsi personaliter non sint interdicti. Soto, et Avila, etc.: DUBIUM III.: Quis censuram interdicti ferre, et quis tollere possit?.... Qui possint interdictum ferre?

And is a grave fault required to incur that? Who can lift general interdicts from law not reserved? Who can lift personal and particular interdicts? About cessation from Divine services. Resp. i. They are also those who can interdict, who have been excommunicated according to §80 Lib. VII. Regarding Canonical Penalties and Irregularities.

» To provide and to suspend. * Today bishops without the consent of the Chapter (for formerly it was otherwise) can interdict whoever they wish, generally or specially, a custom introduced by convention. And indeed, it seems that a determined individual must be interdicted due to mortal fault (Of the same person, for the personal interdict cannot be imposed upon her on account of foreign fault. Interdictium autem ad breve tempus, in ordine ad unum tantum vel alterum effectum, potest incurri praesumptum ob peccatum veniale. 338. Resp. 2. Local interdicts and personal interdicts, which are commonly imposed and not reserved, can be lifted by the Bishop or another having jurisdiction over the community under interdict, but not by those privileged religious, because the place and community do not submit to the forum of penance. * (General wide interdicts imposed by a human cannot be lifted except by him who imposed it, or by the Pope.

V.) 339. Response 3. From the personal interdict, if reservation has not been made, any approved person can absolve. Finally, by privilege of absolution from all censures, is not understood the power of removing a local or personal interdict of the community. De Cessatione à Divinis. 340 Cessatio à Divinis est: Prohibitio Clericis facta, ut abstineant ab Officiis Divinis, et Ecclesiastica sepultura.

Translation: The cessation from Divine services is: A prohibition imposed on clerics to abstain from divine offices and ecclesiastical burial. They however think that against others a cessation from Divine offices is distinguished from an interdict and is not a censure; it is imposed as a sign of sorrow, or for the repair of the most grave injury inflicted upon God; and it affects all who are in that place where it is imposed. It is doubted however, whether, through this cessation imposed, the clerics rejoice in

the privilege granted to them during the time of the interdict? They deny common bon.

Because Cessation is a new burden beyond the Interdict. However, suspension of Cessatio may occur for a few solemn days. V. However, the Sacraments are suspended during the interdicted time, as stated above, and are conferred presumptively during the period of Cessation. etc. with 8 n. 107. The cessation is imposed by those who are capable of bearing it, following preliminary warnings.

See elsewhere in C. Ceremoniarum: namely, "It is not permitted to anyone (excepting royal personages) to cause themselves to have Stratified Churches brought before them immediately, otherwise it should be ceased from Divine matters." If a confessor is chosen as a supplement, he can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond three years, being odious and strict in regard to ordinary election, not extraordinary, unless it is kept, entails that rectors and other ministers of the churches incur excommunication by such fact, and that the church should be held as interdicted. This Decree is prescribed in the Bullary of Clement. XI. part. 3. Decretor.

Cong. Cardinal. And thereafter it is noted there: And having made the relation, the sanctity of the aforementioned Clement approved the Decree; and furthermore ordered its promulgation and transmission to execution, and commanded that it be affixed in all the sacred churches of the City. The 3rd of October 1701. Ita: ap.

Ferraris Bibliotheca v. The Church, no. 28 and 29. He who provide number chapter twenty-nine refers from many decrees. The Sacred Congregation of Rites has forbidden to provide the Gospel during the solemnities of Masses to Laics to kiss; it is more fitting to presume offering them the use of the throne, and admitting them to assist at the presbyteries. ## CAPUTV. ON IRREGULARITY. "Though Irregularity is not a censure on account of the similarity it has with it, nevertheless, commonly to it is annexed: wherefore also I annex this."

"DUBIUM I." What, and how manifold is Irregularity? 541. Definition of Irregularity. Is an Irregularity a censure? Irregularity is divided in two ways. Resp. 1.

It is an impediment. Canonical, impedimenting reception of sacred orders and use of successeurs. Wherefore it follows that it is not a censure, but

rather something like an inability: for although at times it is imposed in the manner of a penalty, properly speaking it is not a penalty. Tractatus tertius, libri quinti, caput quinto, in I Boecii, dialéctica septima, quaestio prima, perì proairetikón. Questio: Whether Irregularity is a censure?

The first opinion affirms, and this is held by Sotus in the fourth. D. 22 q. 3 art. 1 et Bann. etc., ad caes. c. 7 ex n. i. Reason, because (as they say), definition of censure, if a Confessor is chosen as a supplement, can well be confirmed by another triennium after the time of the supplement, since the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood with regard to ordinary election, not extraordinary, which being a penalty of the Church, also fittingly accommodates presumptuous irregularity. Seconda vero sententia communior et probabilior est, quam tenent. D. i sess. 3.

Good. D. i question i proposition i nuance 4. . i proposition i nuance 3, et Avila, Henricus. Candidate teaches that irregularity is not a censure, but rather an impediment or disability, and this is clearly demonstrated in c. Quærenti de Verb. sign. where Innocent speaks. III. interrogatus, quid in Bullis Pontificalibus intelligeretur nomine Censuræ? respondit: Si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Quod si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Per eam non solùm interdicti, sed suspensionis et excommunicationis sententia valeat intelligi. When therefore the Pontiff shall have spoken in this manner dogmatically and indefinitely, enunciating penalties which come under the name of censure, besides these, irregularity is not, nor any other penalty is to be admitted. « Resp. 2.

It is divided into that which arises from Fault, and that which arises from Deficiency. Totum, seu proprie dicendum, quæ omni ordine suscipiendo et suscepto exercitio privat; exempli gratia homicidium, bigamia; et in partem, quæ aliquo tantum ordinariorum ministerii privat vel solo ascensu ad ordinem superiorem; exempli gratia oculis defectu carens sacerdos inhabilis est ad missam, non tamen ad confessiones audientias; et diaconus sinistro oculo carens habet inhabilitatem ad sacerdotium in suo ordine ministrare potest. ### DOUBT II. ### What is the effect of Irregularity? The effects of Irregularity are. I. Disablement from receiving Orders.

II. To hinder the exercise of Orders. III. To invalidate the collation of the Benefice. Does this hold for a simple benefice? Is then the collation itself ipso iure invalid?

Resp. The following are subsequent: To disable from receiving Orders 343 "to be received," presumptuously the first Tousuram. * (As taught by the commentaries . 40th session 1 n. 11. . 6: » p. 5 n. 2 n. 4. and with Avila, and Diana) *. II. Impede the practice of receiving orders; * (Ex c. fin. On the subject of time. Ord. etc., c. 11 de Accusat.; * Hence an irregular priest, although validly, yet illicitly absolves.

Good. c. n. 4. and on p. 4. III. If a confessor is chosen as a supplement, it can be appropriately confirmed through another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, inasmuch as it is odious and strict, should be understood regarding ordinary election rather than extraordinary. The collation of benefit to a function for which one is ineligible would be invalid according to the more common and milder opinion; although some do not unreasonably say that it is not itself made invalid by the fact, but rather justly irritant. According to which probable opinion do you resolve?

I. Is qui beneficium impetravit in Irregularitate, potest obtenta hujus dispensatione illud in foro conscientiae licite retinere sine nova collatio etiamsi in dispensationis impetratione non sit facta mentio beneficii. Item, si postea beneficio privetur, non tenetur fructus restituere. 2. He gravely sins who exercises an act of the Order in Irregularity, or receives it, even though the Orders conferred upon him are valid. * (Ità praesumptum . 6 p. 5 n. 1 et sic etiam sins graitver irregularis suscipiens primam Tonsuram, sicuti §§4 Lib.

VII. On Ecclesiastical Penalties, and Irregularity. The bishop who gives it to him thus, 4th canon, 1st part. Good. D. 7 q. 1 p. 1 n. 4. n. 22. with Avila, Corn. and Giball.

Insuper haec non prohibet, dum si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Irregularitas nullo modo privet sua actionibus, quae non requirunt exercitium Ordinis, et quas praesumptum laici exercere possunt, recipere Sacramenta, et Officia canere, congruent et conferre Beneficia, quia haec speculentur ad exercitium jurisdictionis, non Ordinis; Item magistri assistere vel licentiam assistendi alteri praebere, dispensare in

votis, absolvere a censuris, dare facultatem audiendi Confessiones. It is fifth chapter, first quodlibet, first note. Renzi p. 664. q. 3, cum Fill. et Question None, an irregularis ipsa facto Beneficiis privetur, quòad Beneficia obtenta ante irregularitatem, certum est apud omnes; irregularem illis non privari; nec privandum a Judice, si irregularitas ei supervenerit ex defectu infirmitatis, ut habetur in c. Ex parte, de et interim, licet ipse non privetur ipsa facto, ut clarè infertur ex c. Ex litteris, de Exc. The prelate is nevertheless bound to petition for a dispensation; but if he does not petition or cannot obtain it, he must immediately renounce the Benefices, or at least resign them in favor of a third party; because, since he cannot lawfully perform his duty, it would be unlawful for him to retain those things. Thus commonly 40° s. 2 n. 15 et 19 et 44, s. 2 n. 2. . 6 p. 5 n. 9. 11 et 15. Good.

D. 7 q. 1 p. 4 n. 8. 9 et 10. c. 7 n. 25 et 28, et cum Avila, Val. Sagittarius. Gibald. d. D. 4th s. 2 n. 20. Bonac. 4. 10. Cross l. 7 n. 439, et et aliis passim.

Moreover, one who is irregular should be deprived of the pensions which he possesses? They consider it more regularly probable. 44 a. 4 n. 34. n. 27. And thus has the Sacred Congregation declared: The judge may, if the crime has been very grave, presume to deprive him of pensions. As to the benefits obtained through irregularly contracted agreements during a period deemed as such, there is doubt whether the right to their collection exists ipso jure. If the irregularity is partial, namely if an irregularity due to some bodily defect cannot become a Priest, then commonly it is said that the collation made to this has been valid and licit; thus 6 p. 5 n. 5.

Cab. T. J. 1. 5 c. 19 n. 2. Moreover, et p. 6 n. 5, cum Idemque supponunt praesumptum ut certum sess. 2 n. 31, si Beneficium sit simplex, nec habeat sibi injunctum Officium, sive exercitium Ordinis Sacr., sed tantum recitationem Horarum, aut aliud, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac-cipienda est de electione ordinaria, non extraordinaria. praesumptum laici possent exercere, tunc enim ajunt valide suscipi tale Beneficium ab irregulari. An autem privetur ipsa facto Beneficciis requirentibus exercitium Ordinis Sacri? There are two opinions.

The first is more common and affirms this; it holds that which is called common: 40 s. 2 n. 36, (referring to Bon). D. 7 q. 1 p. 4 n. 6. . 2 c. 34 n. 129. Turn to page two, paragraph twelve. Cabbas. 1. 5 c. 19 n. 2, item Covarr. Avalle, Hurrel.

Garcia, Sayr. c. 7 n. 30, qui n. 34, praisumptum dicos esse communem. It is proved from c. 2 de Clerico non ordinaire ministrando c. 2 de sessione 14 definito: Ut nullo tempore ad sacros Ordines (irregularis) promoveri possit, nec illi aliqua ecclesiastica beneficia concedi liceat. Furthermore, ibid., sessio 22: No provision shall be made for others except those who are found to have fully possess both age and other qualifications, otherwise such provision would be inappropriate. Reason, because the benefit is given on account of the office; hence he who is unfit for the office, since he cannot exercise the order, is presumptuously held unfit for the benefice. But the second sentence [is] 25-586 Lib. VII.

Concerning censures ecclesiastical and irregular, such a collation is not to be considered as one that is irritable, but only as one that is to be irrupted by the Judge; thus it shall be provided. Sylves. v. . 5 p. 5 c. 1 n. 3. . 8 art. 1 n. 5. . 457 n. 158. Against, page 6 number 7. Diana p. 4 tr. 2 R. 37 et etc., et probabile censent. c. et Coninck c. Ratio, quia non sunt imponendæ poenæ, nisi in jure sint expressae; nullibi autem habetur expressum, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria; irregularitas reddat hominem incapacem Bene- ficii; undè irregularis, quàmvis graviter peccet (ut advertit. Canons however which are opposed, according to the said testimony, that if someone be chosen as Confessor for supplement, it may well be confirmed by another triennium after the time of supplement, because the prohibition of not choosing a Confessor beyond three years, inasmuch as it is odious and strict, must be understood with regard to ordinary election, not extraordinary, such an allowance would be illicit, yet not invalid.

Neither does the Tridentine text hinder, where it is said that an irreligious provision regarding a Benefice, which is made for an unfit person; for it is responded that an irregular one is not called unfit as incapacitated from receiving the Benefice, but rather as ineligible, namely unfit to receive the Benefice licitly. The first proposition seems more probable, although the laws do not expressly declare this collation invalid; yet the more common opinion interprets it thus; for the sense of the Decree itself confesses this. But notwithstanding this, the second sentiment seems sufficiently probable. Here, however, it must be noted that if a Confessor is chosen as a supplement, he can be sufficiently confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is odious and strictly to be accepted for ordinary election, not extraordinary. This being said while maintaining the

probability of this judgment, lest an irregular one assume possession of the Benefice, as we have said in the third chapter, note 161, v. What.

II. No one with a probable opinion can begin to acquire possession of another's property. ## DUBIUM. III. Nullus potest inchoare possessionem rei alienæ cum opinioni probabili. How does irregularity arise and how is it removed? Does irregularity occur in a case of doubt? It does not occur unless there be an express injury. Chap. V. Dub.

III. On Irregularity. 387 346 Dub. 1. In doubt concerning irregularity contracted, how one ought to proceed? And what if it is a doubt regarding law? What in a doubt of fact, except for homicide?

Dub. 3. What in a doubt concerning a homicide committed? Dub. 4. What in doubt concerning animation, if an abortion has occurred? Is it required for the incurrence of irregularity from a sin that there be mortal guilt, and an external act, consummated? I.

What if the crime has been external, but utterly hidden? 350 Qu. II. Is knowledge of the law required to incur an irregularity? III. Is a presumed knowledge of penalty science? How many ways is irregularity removed? Irregularity is removed through dispensation.

Who can dispense with that? Multiple things are noteworthy. 354 How is irregularity removed from a lack of Natality through Religious Profession? 355 By what regular prelates may dispensation be granted in irregularities? Resp. When it does not come from a man, no sin accrues—unless expressly held by law * (c. Is, qui » de sententia excomm. in 6) *. Hence, in dubium sive facti, sive juris, tenere potest; if one is chosen as Confessor for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, being odious and strict, is understood regarding ordinary election, not extraordinary. For this reason, if someone is chosen as Confessor for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, being odious and strict, is understood regarding ordinary election, not extraordinary; so that you do not become irregular; for the condition of one in possession is better. Bonac. q. 1 p. 5 ex . etc. Receive nevertheless, if doubts arise concerning homicide, even unjustly committed by you, as is evident from c. Significasti, and from c. Ad audientiam. » 2 de hominibus.

See Bonac. loc. cit. Many notable things here to be examined. It is certain that if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood concerning an ordinary election, not an extraordinary one. Thus, no irregularity will incur unless there be express provision in the law from d. c. As he who in the sentence ex communi at 6 says: Since this is not expressed in the law, etc., wherein he wisely remarks . os. 5n. 5. The Pontiff has established nothing new; but he has declared this principle: if a Confessor be elected for supplementation, it may well be confirmed through another triennium after the time of supplementation, because the prohibition against not electing a Confessor beyond three years, inasmuch as it is odious and strict to be received regarding ordinary election, not extraordinary, there being no irregularity incurred unless expressly stated by the law. He who from sentence excommunication in 6 where it is said: Since this is not expressed in law, etc., justly says. 4os. 5n. 5. In dubio judicandum sit, poenam non esse latam, vel non extendenddam ultra casus expressos. By virtue of this law come only the Decrees of the Pontiff or Council approved by the Pope, and not those of others; nor does custom come in; thus 4o sect. 4 n. 13. 2 de Irreg. p. 6 v. From hence, Diana page 8, paragraph 7, rule 28 and section 7, subsections §§ Lib.

VII. Hence it is introduced in regard to ecclesiastical censures and Gib. and Machado: thus, in order to incur irregularity, the argument from similar or from greater to lesser does not hold, as commonly taught 6 p. 2 q. 1; 5 p. 5 c. 1 n. 6. Lay however notes that if a Confessor is chosen for supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is understood in odious and strict sense from ordinary election, not from extraordinary one: If doubt should arise regarding some irregularity whether it is expressly provided in law, or should be admitted, always and according to common sense of the Doctors and custom, they have firmly established it, because they are the best interpreters of laws. But it is doubtful. Whether, in a doubt, one who has contracted an irregularity should act as if he were irregular. Understand the doubt concerning prudence; for a doubt arising from scruples or trivial reasons is nothing to be done.

Understand the presumptuousness regarding a negative or suspensive doubt; even if the doubt is positive, each one before diligent inquiry concerning the matter at hand should conduct himself as non-regulated, according to the teaching of Sanc Decretals, lib. i, cap. i on 37, 40 s. 5 n. 12, and 3 p. 3 n. 3, et exc. Unless a grave necessity urges it, namely, when

an occasion occurs for receiving Orders or a Benefit, then. After sufficient diligence, however, it is well possible to regard oneself as not irregular, acquiescing in a probable opinion, as Sal. d. n. 42, in fine cum Difficultas igitur est., when one doubts a negative doubt. Resp. If a doubt is about law, namely when there is doubt whether an irregularity is assigned by law or not, for some action, then in such a case no one is bound to conduct himself as irregular in the forum of conscience, nor externally be condemned as such, firstly because in doubt no one should be deprived of his own right; secondly because when there is doubt about the law, the law does not oblige; at least because then it has not been sufficiently promulgated; thus commonly DD. 3 p. 3 n. 7.

Your own, loc. cit., n. 4. Bono de; 4 tr. 2 R. 52, 5 q. 6 n. 6, cum Lugo. Doubt. 2. Which injury to irregularity is in doubt concerning fact 347, namely, whether anyone has committed a crime (except murder, for regarding this we speak in the following doubt)? The first opinion affirms this, and those who hold thus are 8 and Habert ex c. Ad Audientiam, de Homic., where it is said: When in doubts you should preferentially choose the path of tutors, it accordingly falls to you to initiate with the aforementioned Presbyter; so that there may not be a diminution in sacred Orders. Therefore in every matter the sequel is more secure.

The darker opinion denies this continuously and more reliably, and to this opinion Cassibutus adheres. T. J. c. 20 h. 14. Sulat. D. 46 s. 6 nu. 8 et i3: Bon, n. 3. 3 R. 25. Robic. 1. c. . 6 p. 3; n. 9 et Corn.

Gib. et Herir: Ratio 1 quia odiosa sunt restringenda, et nemo in dubio est damnandus, ex Reg. Favorabilioris. 168 ff. de Reg. jur. et ex c. Cuin sunt eod. tit. in 6 ubi: Cum sunt jura partium obscura, reo potius favendum est; yadim vetori. And the same applies to cun. That the Church, without an expressed text, which is found only in a doubtful homicide case, may rely on the faithfulness of others regarding matters of eremitic life. Reason 2. because (as stated above at no. 346), irregularity is not incurred except in the law it is expressed; but according to the law alone homicides are said to be considered irregular in a doubtful homicide, and another delinquent by faith is considered such.

Ratio 3. et potissimis est; quia cum hinc dubitetur; an id; si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. currit in materia homicidi, currat praesumptum in aliis materiis, dubium praesumptum est juris: at in dubio juris praesumptum Adversarii (at vidimus) concedunt, non incurri

irregularitatem. Nec obstante textus allati, nam respondetur i cum .; si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. ibi ratio ad- ducta (nempe si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. in dubiis pars tutior eligenda sit) non assignetur ut praeceptum necessario, et universa observandum, sed ut rationabile motivum decentia, ob si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. maximi convenit dignitatis Sacrificii, ut Sacerdos in dubio homicidi a celebrando abstineat, ne si forte deinde certo fuisse homicida noscatur VII. Of Censures Ecclesiastical, and Title concerning Homicide there. When it is more prudent in such a doubt (namely, regarding homicide) to abstain than to rashly celebrate.

Note that it is more prudent, therefore it is not a precept. Whoever denies that it is fitting at some time to have another three years of confirmation for someone chosen as a supplement after the term of supplement, because the prohibition against choosing a Confessor beyond three years, insofar as it is odious and strict, should be understood regarding ordinary election not extraordinary, which by a reasonable reason per positive law prohibits some act intrinsically non-illicit? But since that reason for indecency is competent solely to homicide, it does not include other cases. It is responded 2. if a Confessor be elected for a supplement, it can well be confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond a triennium being odious and strictly to be accepted in ordinary election, not in extraordinary one; that which, if a Confessor be elected for a supplement,

it can well be confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond a triennium being odious and strictly to be accepted in ordinary election, not in extraordinary one, even though the reason might comprehend some supposed case, in irregularities through sin congruent everywhere else, is not argued from one case to another similar, even if the latter has greater or equal reason, unless both cases are expressly provided for by law; this holds more strongly in irregularities concerning which it was established (as we have seen in the preceding n.), that no incursion incur except those expressly in the law. Doubt. 3.

Whether it is to be considered irregular, he who doubts whether he has perpetrated a homicide? There are diverse sentiments. Others say that this is irregular only in external forum, not however in conscience; thus Decan. lib. 1 cap. 10 num. 38. Others, on the contrary, say that it is irregular in the forum of conscience, but not in the external forum; thus Hostiens. . 39. But rather to be held with the common opinion, that this is to be judged irregular in both forums, so [states the source].

Bonaventura nuncius tertium. Limits, and it is proven from c. Significasti c. ad Audientiam, c. penult., that if a Confessor is chosen for supplementarily, he can be sufficiently confirmed by another triennium after the time of supplement, because the prohibition against not choosing a Confessor beyond a triennium, as odious, strict and to be received, applies to ordinary rather than extraordinary election; in this case, it proceeds when someone is certain about murder (as supposed in the aforementioned texts), but only doubts whether himself by his own action was the cause of it; if he doubts, concerning the very homicide, whether it followed or not, according to those who say very rationally, Picher l. 5 tit. 12 n. 8. 5 R. 24. 5 p. 131. And from Dict. Dian/ p. 7 tr. 5 R. 26 with Navarr. Menoch. et Quaranta: si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Si Medicus aperuerit venam praegnati, ut abortus sequeretur: sed postea non constet de aborto secuto; non sit censendus irregularis, neque in foro interno neque externo: quia (ut habetur in Hib. 1 § item illud ff. ad Syllan.) non proceditur contra aliquem ad poenas, nisi constet de corpore delicti. Otherwise it should be said, if means used for an abortion prove to be so efficacious that their effects commonly follow from them, because

then a presumption arises from common contingencies, as Nay. et c. ex 1. ult.

C. de Fide instrum. Notandum 2 si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. in praedictis testibus sancitum sit, dubitantem de homicidio, judicandum esse irregularem si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. ad duos dumtaxat effectus, scilicet abstinendi à celebratione, et quærer dispensationem, ut jura loquuntur. From which it follows: 1. this sanction is valid only for Clerics, not however for Laics, since homicide offends more the state of Clerics than that of Laics: thus in cap. 2 q. 1 at the end. It is inferred 2. that this sanction holds only for the aforementioned two effects, namely abstention from celebration and seeking dispensation, as the laws speak, but not if a Confessarius is chosen for supplementation, which can be confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessarius beyond a triennium, insofar as it is odious and strictly to be received regarding ordinary election, not extraordinary, having been sanctioned by the aforementioned witnesses, may doubtfully pertain to others, involving deprivation of Beneficia, etc., according to 1 c. 10 n. 43. Your D. 40 s. 6 n. 6.

Roncag. et . cc. et . 6 p. 3 n. 8 cum Panorm. Hurt. et Salas. It is inferred that one who doubts about mutilation should not be regarded as irregular but as dubiously holding; he should be considered doubtful about murder, because concerning murder alone such a regulation has been established; as Duo states, chapter 40, section 5 note 14 against. Dubium 4. Whether a doubtful one who committed abortion is to be held as irregular, having been neither fecund nor non-fecund animated? This see what is said in 5 Præc. 1. 3 n. 396 where we negated it from the more reliable sentence with many AA., to which add D. Ibenec c. 2 D. 4 s. 20 n. 22 and the learned Author of the book (Instr. per li) who testifies, in practice a female child is not considered animated until the fortieth day, a male however until the eightieth day, as tradition reports through S. Th. with Albertus Magnus and others.

That is confirmed by the preceding statements. Book D. 3. 392 VII. On the Censures of the Church, et incurratur irregularitas ex delicto, requiritur actus externus consummatus et mortalis, ut habet communis contra Cajet.

The reason is because there is a severe penalty, and it is harder to remit it.

Therefore, for incurring this irregularity, a requirement is made. I. Mortal sin; from which it follows that if a Confessor is chosen as a supplement, it can be sufficiently confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood with reference to ordinary election, not extraordinary. If anyone is excused from mortality on account of some circumstance, he is equally excused from irregularity, as they teach. LgD. 32 n. g. . 40 s. 3 n. 17. p. 7. R. 2.

Escob, lib. 51 n. 6 et Infertur praeterea, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. praeceptum obligans sub poena irregularitatis, intelligatur- tur etiam obligare sub mortali; . Requir. II- Exterior actus. When nevertheless a Bull is issued, or a dispensation is canonicallv granted in respect to mental regularity, it is understood truly when irregularity is occult; Requir. III. External act completed by thee, as Tour. l. c. and . with Sot.

Throw. Gilbert. V. statements concerning censure. n. 36. But seek. I.

An irregularity be incurred on account of an external crime 349, completed but utterly hidden, so that knowledge thereof might be had from the soil of the delinquent? There are three opinions. The first [sentencium] universally denies it, and this is held by Rodriguez, Mendo, Castro, Bruno, etc., ad page. According to Bium; Because (as they say), irregularity is not given unless it be expressed in law; but in law nowhere is mention made of irregularity on account of a crime entirely hidden. The second opinion, which Ledesma maintains, considers homicide alone, because irregularity has been introduced solely in the crime of homicide for both the sake of scandal to others and also on account of its intrinsic indecency; thus, a priest offering in the place of Christ, the meek Lamb, would minister at the Altar after committing homicide. Moreover, regarding homicide, it is stated in 14 c. 7: “He who through cunning shall kill his neighbor.”

Doubt. III. On Irregularity. Whosoever removes his own flesh, should it be from an altar, etc., therefore anyone who kills through intent, even if secretly, is already irregular. The third sentiment is more correct than they hold, chapter and page seven, treatise eleven. R. 48 et n. 16 cum omnino

affirmat, non solum propter homicidium, propter rationes mox allatas, sed praesumptum propter alia crimina.

Reason, because the Church reserves crimes and secretly reserves the most occult ones, so long as they are subject to her jurisdiction, namely if they are external, even though they may not be disclosed to anyone else, as she imposed excommunication on the Heresy entirely secret (as stated in note 305). If a confessor is chosen for supplementation, it can be well confirmed by another three years after the time of supplementation, because the prohibition against not choosing a confessor beyond three years, being odious and strict, must be received with severity regarding ordinary election, not extraordinary. But if factually an irregularity has been imposed on any crimes whatsoever secretly hidden, it is evident from cap. 6. Therefore, let it be lawful that, just as excommunication is incurred on account of a heresy absolutely occult, and irregularity on account of an homicide minimally occult, so also irregularity is incurred on account of other absolutely occult crimes. But with regard to homicide resulting from irregularity that has entirely been kept secret, can it be dispensed with by the Bishop? See below, note 384, where we will deny this. Question None

II. Is knowledge of the law of the Church prohibiting it required to incur an irregularity from the 35th offense? The first sentiment universally denies it, saying that merely knowing the sin committed is sufficient; thus 4o s. 5 n. 10. and Felin. apud D. 32 n. 16. Reason, firstly because human law aims to punish not only the transgression of its precept, but also the presumptuous defiance of Divine Law; secondly, because he who wills the antecedent, wills the presumptuous consequent; hence, he who wills a sin, wills the presumptuous anticipation of the sin. The second, however, opinion is commonly held and more probable, and this is maintained by S. 1 q. 2 p. i n. 13. 2.

D. 1 p. 17 n. 6. Sylvius and Anglicus. Host. 594 Lib. VII. On Censures of the Church and Irregularity.

Manuel, c. 7 n. 49, cum Cornejo et Leand. ac Boss. de usu Henr. Table [or Chapter] I declared that certain clerics who are incontinent are not to be deposed according to the Constitution. Siricius Pope, si quis Confessarius pro supplemento eligatur, bene potest confirmari per triennium aliud post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Quod si quis Confessarius pro supplemento eligatur, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria; eam

ignorarent: et tamen eorum incontinentia erat quidem contra legem naturalis. Probat. 2 ratione, quia cum lex Ecclesiastica imponat poenam super crimine lege Divina vetito, novum jus condit; qui autem peccat contra legem Divinam, ignorans invincibiliter Ecclesiasticam, pec- cat utique contra illam, non vero contra hanc; ergo incurrere debet quidem poenam Divine legis, non autem humanae, juxta dicta lib. 6 n. 1072. They think the same thing: d. 6, p. 6, n. 3, 8 art. 2 n. 7, and et; for this is to be excused from irregularity, since he does not incur it either through fault or through defect: not through fault, because he does not sin against the Church's law, which he ignores or to which he does not advert, according to the aforementioned sentence recently approved above; nor through defect, because only those who converge towards an occasion of necessity as ministers for knowledge of causes or execution of punishment incur irregularity by reason of defect alone, as more probably elsewhere Palau p. 14 § 3 n. 7 says.

Diana p. 3 tr. 5 R. 8o et et Turrian. Nevertheless: they teach to incur section 3, chapter 6, article 5. Moreover, it is customary, as stated by Bossuet in loco citato n. 174, and also by Diana on page 4, tractatus 2, ratio 85, with Merolla, Mercero; for this reason irregularity has been imposed upon homicide because it is an action contrary to lenity, which greatly dishonors the Altar Minister, hence such a homicide does not incur defectively or properly the reason of delict or fault in respect to irregularity, but rather on account of indecency by virtue of which he is repelled from the Altar according to that. If any Confessor be chosen for supplementation, it may well be confirmed by another triennium after the time of supplementation; because the prohibition against not choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, is held more so in regard to ordinary election than extraordinary; this is said in "Indeed he who has killed his neighbor through industry and craft should be taken from the Altar." This second opinion seems very probable and tenable; yet I dare not reject the first, since such irregularity in the aforementioned case is not at all expressly contained in the law. Question None

III. An presumed knowledge of the penalty is required to incur an irregularity from delict 35r, that is, an irregularity of irregularity? The first opinion denies it, and this is held: 4th session, 5th number 9. 1 part, 4th question, 20th number 6. Cross 1. 7 n. 482. Conclusion i Analecta de censibus.

D. 3 q. 1 n. 5... concerning the Ratio of use, because irregularity is not a medicinal punishment intended to prevent crimes in the future, but is a disability, or a mere punitive penalty for the stain of guilt, on account of

which the Church renders the sinner incapable of ministering at the Altar; hence, it suffices if someone is chosen as Confessor as a supplement, and can be sufficiently confirmed by another three years after the time of supplementation, because the prohibition against choosing a Confessor beyond a three-year period should be interpreted odiously, strictly, and rigorously with regard to ordinary elections, not extraordinary ones; such a penalty has been imposed by law upon an act knowingly and culpably committed by the Accused, although ignorant of the punishment. Furthermore, qui vult causam, id est peccatum, debet subjacere praesumptum effectui, scilicet poenae, quamvis ignoratae. This sentence is indeed very probable. The second sentiment, affirming that something sufficiently presumptuous is probable, seems to hold, and this is held by Sylvius V. Ignorance q. 8 d. 1. . 1. 9 D. 32 n. 21. . 2 de pecc.

Decretum 1, caput 17, nota 7, et tractatus 29 de censu. Decretum 6, parte 6, nota 3. 1. 10 tractatus 4, caput 4, sectio 5, nota 3. Diana page 4 translation 2 right 85. Boss. 1. c. n. 174, cum Con. Sayr.

Portell. and Leand., following a presumed probable opinion, consider it . c. and Renzi, p. 366, q. 7. Reason, because irregularity is deemed a true penalty imposed in revenge for the crime. Licet autem non sit requirendum scientiam poenae ut ipsa incurratur quando est poena ordinaria et talis ut ex natura ipsius crimine aliquo modo praevidei possit cum ipsum lumen naturalis dicitur malum juxta suam naturam esse puniendum tamen requiritur scientia §6 Lib: VII. Regarding Censures and Ecclesiastical Irregularities: When the penalty is ordinary and excessive, to such a degree that according to the nature of things it cannot even be foreseen in confusion; such indeed is the penalty of irregularity. It is no obstacle to say that if a Confessor be chosen as a supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning an ordinary election, not an extraordinary one; for the willing sin ought to sustain its penalty.

For it is responded that and by whomsoever he consents to the cause of punishment, he teaches 2 qu. 65 art. 8 that the consent given to a sinful act, which is already the cause of punishment, does not suffice; yet the sinner ought to know such an act to be the cause of punishment. Moreover, the irregularity is taken away in four ways. I. Nam respondetur cum et ut quis consentiat in causam poenae docet 2 qu. 65 art. 8 non sufficere consensum in actum peccaminosum, qui jam est causa poenae, sed peccantem debet scire talem actum esse causam poenae. By cessation of the cause, if irregularity be due to defect (e.g.) of statis, ignorance,

poverty, etc. [41 sess. i n. 6. . 5 p. 5 c. 4 n. 10. : 114 q. 3R. t, et etc.] Noteworthy is this: if a penitent be chosen as supplement, his confirmation can conveniently be made through another triennium after the term of supplement, because the prohibition against choosing a confessor beyond a triennium is, like the one on ordinary election, odious and to be strictly interpreted; but not in extraordinary elections. For when anyone is irregular by reason of infamy, if it is popular infamy, it can be removed through amendment, according to cap. 3 et c. 18 dist. 56. If there is an infamy of action, it is removed by a change of place; Tour, p. 58 et .: 114 qu. 3. If however the infamy is of right, that is to say through the judgment of the Judge, then for its removal altogether a dispensation is entirely required.

II. By Baptism, if irregularity arises from a crime; for example, when one commits murder before Baptism; after that, there is no danger of irregularity, etc. III. By dispensation, concerning which see the next number. IV. By profession of Religiosam, of which more below n. 354 and 355. "Resp. 3.

Irregularity is not removed through absolution, but through dispensation, either in this form or a similar one: I dispense you from the irregularity which you incurred for this reason or that reason. And indeed, if he who dispenses intends to remove all [irregularities], and this is possible, he removes all: but if not, he removes only that which can be removed and desires to do so. Although this dispensation regards the Pontifex, yet by reason of a new law derived from sin and not deduced to a contentious forum, murder remains nonetheless direct and willed in itself. 3, from Triduana session 24, chapter 6, editio 9, nota 4. Here is to be noted I. If a Confessor be chosen for supplement, it can well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond the triennium, inasmuch as it is odious and strict, should be understood concerning the ordinary election and not the extraordinary; if therefore any Confessor were elected for supplement, it could well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond the triennium, inasmuch as it is odious and strict, should be understood concerning the ordinary election and not the extraordinary. If dispensation were granted by the Pope upon some irregularity without just cause, the dispensation shall be future and valid (although not licit): but if it were granted by a subordinate, it will be more than nothing; Non tantum II. If anyone contracts more than one irregularity of the same kind, for example, if he repeatedly ministers with censure, it shall suffice to obtain a dispensation if he says that he has fallen into such irregularities repeatedly; thus. . 44 sect. 3 n. 28, p. 1 D. 6 p. 7 n. 3, and de Matr. 1. 8 D.

24 n. 7, and 1. cit. docent that it shall suffice if he merely says that he is irregular by reason of such fault.

Notandum III. If any confessor be chosen for supplementation, it may well be confirmed by another three years after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, as odious and strict in ordination elections is not in extraordinary ones; therefore, if any confessor be chosen for supplementation, it may well be confirmed by another three years after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, as odious and strict in ordinary ordinations is not in extraordinary ones. Prelate, si admittat quemdam ad Ordinem, vel Beneficium, quem scit irregularem, consentatur cum eo dispensare: Bon. Distinctione 7: quæstio 5, articulus 1, ad finem ac cum Henv. et Avila. "Præterea irregularitas ex defectu natalium tolli 354" praesumptum potest per professionem in Religione appro- bata, sed quoad ordines tantùm, non quoad pre- laaturas, c. 1, de filiis Fœsbyterorum. So presumed permitted.

Sanch, Matr. lib. 7 D. 86 n. 4. . 41 sect. 1 n. 3. n. 323 v. By Profession, and if a confessor is chosen for supplementation, it can be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessor beyond a triennium, insofar as it is odious, strict, and to be received as such regarding ordinary election, not extraordinary, arises from concession; Clem. VIII. et Pauli V.) "contra. Vibal. who at » 65 says that everything should be so governed by the Friars of that Order, concerning which Prélats can dispensate with them, in the General or Provincial Chapter, is noted by Diana 1. c. ex Barth. 1 (And thus presumptuously Ral. D. 6 p. 7 n. 2 et D. 7 q. 2 p. 3 n. 14 et si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.

Dispensation from dignities shall not be understood as referring to the episcopate. If any confessarius be elected pro supplemento, may well be confirmed by another triennium after the time of supplement, because the prohibition of not electing a confessarius beyond a triennium is to be taken odiously and strictly in regard to ordinary election, not extraordinary; for if any confessarius be elected pro supplemento, may well be confirmed by another triennium after the time of supplement, because the prohibition of

not electing a confessarius beyond a triennium is to be taken odiously and strictly in regard to ordinary election, not extraordinary. as Soto says, namely through 3g8 Lib. VII. Of Penalties Ecclesiastical, and among [the] 1. Only the Pope and those who have received a privilege from him can dispense from irregularities due to defect.

"2. Solo Papa et qui a eo accepit privilegium potest dispensare in irregularitatibus ex defectu." Confessor in nullis irregularitatibus potest dispensare, nisi habeat specialis privilegium a Papa. 355 However, prelates Regulars, as they say and others, according to p. 149 n. 167, when Herin from the Privilege S. P. V. (in Bulla 23.) related in extenso à XI allato d. c. 8 n. 72, can dispense with their subjects in every hidden irregularity in which bishops can dispense with their own subjects. And even if the irregularity arises from bigamy and voluntary homicide, provided that it is not notorious, as stated by . 6 p. 7 n. 2 ex Privilegio Martini V. relato apud Rodriq. et . c., how can Regulars be permitted to dispense in an irregularity arising from voluntary homicide? See what has been said regarding this with respect to subjects, whereas as regards seculars it is taught in lib. I cap. 7 n. 63, cum Pell.

Let it be read (§ 22 according to c. 4 n. 171) there, to their confessors has been granted the faculty to absolve from all excommunications, suspensions, and interdicts, and over any sort of ordinary irregularity, whether reserved by law or by man, as often as necessity requires, dispensing and remitting; and the Diocesan bishop has the congruent power to permutate any vows. This same Privilege of Bauny attests that it is already in use, but Lezana doubts this; see n. 63, at Cap. V. Doubt. IV. Of Irregularity. Five hundred ninety-nine are those, if a Confessor be chosen for supplementation, that they may well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, as it is odious and strict in the case of ordinary election, not extraordinary, which, if a Confessor be chosen for supplementation, may well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, as it is odious and strict in the case of ordinary election, not extraordinary. Of the use such Privileges, since it is secret regarding the forum of Penitence, no one can testify whether they are in use or not; except if for supplementation a Confessor may well be confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, as it is odious and strict in the case of ordinary election, not extraordinary.

And even though they greatly do not desire to use it on account of its not

being used, they nevertheless say that others among the Regulars who communicate in Privileges are not hindered from using them by this fact. An vero ex Bulla Cruciatae possit Confessarius electus dispensare in irregularitates ex delicto? See DUBIUM IV. What are irregularities ex delicto? Irregularity ex delicto is incurred I. through repeated Baptism. II. Ob Violationem censurae. 338 Plura notanda. (Tamen quis ordinatur ligatus censura, incurrat irregularitatem? See what is stated by J. 6 n. 799.

Dub. 3 vers. Whether). 359 III For the Exercise of the act of the Sacred Order, which a cleric does not have. 360 IV. On account of illicit reception of Orders. Threefold irregularity arises from clandestine reception. On account of crimes involving infamy and notoriety. Notorietas is required either of the fact or of the law. What are the crimes and practices by which infamy is annexed? 364 How is this irregularity removed? 365 VII.

On Murder, or Injury. 366 Concerning the irregularity on account of Voluntary Murder. 367 By this irregularity they incur I. Who kill or change. 368 Dub. 1. What if a murderer repents before death? 369 Dub. 2. What if one strikes a blow, but another kills? 570 II. Incursant mandantes, vel consulentes homicidium, vel mutilationem. 371 Dub. 1.

What if in a doubtful case, it has been caused by an act done under command or advice as to committing homicide? 372 Dub. 2. What if the murderer had already been determined to kill? Doubtful Case 3. What if the one seeking counsel withdraws his advice? 374 III. All those cooperating in murder or suicide §8 Lib.

Seventh. Of Censures Ecclesiastical, and Irregularities. "the profession of Religion abolishes all irregularities," this is commonly denied. AA. among *) » 1. Only the Pope and those who have received the privilege from him can dispense from irregularities due to defect.

» 2. Confessor «in nullis irregularitatibus potest dispensare, nisi habeat specialis privilegium a Papa. 355 Moreover, prelates Regulars, as they say and others, according to p. 149 n. 167, with Herin expanded from the Privilege S. P. V. (in the Bulla 23.) cited in extenso from XI allato d. c. 8 n. 72, can dispense with their subjects in every hidden irregularity in which bishops can dispense with their subjects. And even though irregularity may arise from bigamy and voluntary homicide, provided that it is not notorious, as stated by Martin V in his Privilege quoted by Rodriq et al., how then can Regulars dispense in irregularity from voluntary homicide? See what has been said regarding this matter with respect to their subjects; but as for seculars, see . 18 de c. 7 n. 63, with Pell.

Read § 22 from chapter 4, note 171: there is granted to confessors the faculty to absolve and dispense from all excommunications, suspensions, interdicts, and on whatever ordinary irregularity reserved either by law or by man, as often as it shall be necessary; thus can the Diocesan Bishop exercise congruent power. This same privilege of Bauny certifies already to be valid, whereas Lezana doubts about it regarding this doubt; cf. n. 63, at Cap. V. Dub. IV. Of Irregularity. 599 They go, if a Confessor is chosen for supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, insofar as it is odious and strictly to be accepted regarding ordinary election, not extraordinary, which, if a Confessor is chosen for supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, insofar as it is odious and strictly to be accepted regarding ordinary election, not extraordinary. concerning the use of such Privilege, since it is hidden with regard to the forum of Penance, no one may testify whether it is or is not in use; except if a Confessor is chosen for supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, insofar as it is odious and strictly to be accepted regarding ordinary election, not extraordinary., which, if a Confessor is chosen for supplement, it may well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, insofar as it is odious and strictly to be accepted regarding ordinary election, not extraordinary. they add, very generous Privileges are not lost through non-use, as they have proven in that regard. tr. 18 c. 2 n. 13.

And even though they scarcely desire to use it on account of its not being used, they nevertheless say that others among the Regulars who communicate in these Privileges are not forbidden from using them by them. But whether from the Bull of Crucia ta the elected Conf essor may dispense in irregularities from a crime? See DUBIUM IV. What are irregularities ex delicto? Irregularity ex delicto incurs I. Baptism iterated. II. For the Violation of censorship. Many things are notable. (But now, who shall be ordained bound by censorship, incur an irregularity?) See the aforementioned 1. 6 n. 799.

Dub. 3 vers. Whether). 359 III For the Exercise of the Act of Sacred Order, which a cleric does not possess. 360 IV. On account of unlawful reception of orders. Threefold arises irregularity through fraudulent reception. Five. On account of crimes notorious and public. Notoriety is required either of the deed or of the law. What are the crimes and exercises by which infamy

is attached? How is this irregularity removed? VII.

On Murder, or Mutilation. 366 Concerning the irregularity on account of Murder voluntarily committed. 367 Those incur this irregularity. I. Who kill or maim. 368 Dub. 1. What if the voluntary homicide commits penance before death? 369 Dub. 2. What if one man wounds, but another kills? 370 II. They incur guilt by commanding or consulting regarding homicide or mutilation. 371 Dub. 1.

What if in doubt whether a homicide has been caused by an order or by counsel? 372 Dub. 2. What if the murderer had already been determined to kill? Doubtful Case 3. What if the one consulting withdraws his counsel? 374 III. All incur who cooperate in a murder or suicide.

Seventh. On the Censure and Irregularity, specifically the mitigation. 1. Excitantes. 2. Those who prolong war unjustly. 3. Ministers of assistance. 4.

Accusers, etc. 5. Associates, 375 Dub. 1. Incurrating ratifiers? 376 Dub. 2. An non impedientes? Concerning irregularity by means of homicide or mutilation of a casual nature. Regarding mutilation of members. Dub. 1. What comes under the name of Memphis? 380 Dub. 2. May one become irregular by castration? 381 And whether, on account of mutilation, bishops can dispense in irregularity? 382 More at Busenb. and especially, whether by administering medicine to a sick person or moving him incurs irregularity?

See ibid., n. 4. Si quis dat operam rei licite, non fit irregularis nisi apponat negligentiam moraliter culpabilem. Hinc excusat I. Master, and Father beating. II. Even in a fierce horse. III.

A lion binds a wild beast. IV. Re-ficientes tectum. V. Clericus in Sacris aut Monachus medens sine incisione vel ad ustione.

385 What about a Cleric holding Benefice while being treated with an incision or burned? 366 If anyone attends to an illicit matter, he does not become irregular unless the situation is perilous.

387 What if it is perilous? 488 What if someone kills in defense of himself or an innocent? And what if an adulterer kills the aggressor husband in self-defense? Remission according to 1. 3. n. 3.6. v. in order. An irregularity occur upon slaying for defense of liberty, honor, goods, etc.? How is the irregularity removed because of homicide? May Bishops

dispense from irregularity through voluntary homicide? And what if the homicide was altogether hidden? What if it were casual? Would a homicide in a brawl be deemed casual when struck back? Moreover, what if the killing had been committed by the defender but with exceeding measure? How can Regular Prelates dispense from irregularity because of homicide or change regarding their syndics?

And how with regard to laics? PRESB. Let the baptism be at first serious, i.e., « scienter; and yet irregularity in baptism, if » one has been baptized; although in the rebaptizer there is irregularity only » as a partial cause, lest the cleric ascend to a higher Ordi- » nation: nor does it incur, if rebapt- » isation occurs secretly. s. 358. » V. Bonaventurae, de septimo, quaestio tresima, primum, tertium, quintum, secundum.

Through secret and non-solemnal rebaptism, according to Salmantica c. 8 num. 60, it is less likely that irregularity occurs, even though the contrary is held by Bonaventure. D: 7 q. 3 n. 1 et 7 . 6 p. 16 n. 1 apud ubi, cum de rebaptizato sermo fiat, dicitur: Ad superiores Ordines promoveri (si publicum est si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. proponitur) non valebit, nisi ad Religionem transire voluerit; si verò occultum est, promoveri poterit. Hence note I: si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria.,quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. irregularitas adversus eum qui scienter rebaptizatur habeatur ex c. 4. The one to be confirmed. Dist. 50. Adversum autem rebaptizantem habeatur tantum ex communi sententia DD. ut testantur.

According to the letters, where it is clarified that an irregular Acolyte assists in the rebaptism. Rebaptizer, or one who has been rebaptized out of fear without intention, or under a condition (even if it be rashly and culpably done), probably do not become irregulars, as c. n. 5. . 3i sect. 6. dub. 5 c. 8. n. 6i with Ignorantia culpabilis nevertheless this does not

excuse; from c. Quibus, de Consecret. dist. 4. Afterwards, if culpable; Salman. ni. 62 cum Sot. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. sit praesumptum ir- regularis, qui baptizatur ab hæretico declarato sine ulla necessitate, ut habetur ex' cap. Ventum est. 1. q. Insuper qui differt baptizari usque ad mortis peri- culum, ex c. Si quis, Dist. 5 7. See ' "Secunda ex violatione censurae, v.g., si eadem inmoda- 357" tuus actum aliquem Ordinis solemniter exerceat, nisi invincibilis ignorantia excuset." Here it is to be noted I. if a Confessor be chosen for supplementation, he can be suitably confirmed through another three years after the term of supplementation, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, must be understood with reference to ordinary election, not extraordinary; which, if a Confessor be chosen for supplementation, he can be suitably confirmed through another three years after the term of supplementation, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, must be understood with reference to ordinary election, not extraordinary. He who is renewed from the lesser excommunication does not incur irregularity if he celebrates; but if he exercises an act of Order under a major excommunication, he is liable to censure, according to cap. Si celebrat de Imò 402 Lib.

VII. Concerning Ecclesiastical Penalties and Irregularities. Minorum, still ceremonially, and by office: thus 13 and Avila, c. 8 n. 66. Nor if he exercises the act of major orders, but not solemnly, that is, Deaconate without stola, Subdeaconship without manipulus; since such acts can also be exercised even by Cantors; Psalm c. 8 n. 68 and Analecta 1. c. Nor whoever sings solemnly the Office unless he be Hebdomadarius of the Chapter, saying the Prayer with the Lord when He says, "The Lord be with you" because it is said in the plural form by Him, and pray for me; for such a ministry can also be exercised according to custom by Priests or Deacons. Nor he who has the duty to preach, for this ministry can be exercised even by one not constituted in sacred orders, since it is an act of jurisdiction and not of order; 12 sect. 2 n. 4 et Sylv.

Sayr. non Ordinis, sed jurisdictionis, scilicet si Episcopus excommunicet, si Parochus assistat Matrimonio; Anacl. num. 14 et Diana, Avili. Sylvius Sayr., c. 8 n. 69. II. Notandum ad incurrendam hanc irregularitatem, ut censuratus scienter actum ordinis exerceat; quia illa tantùm propter contemptum censurarum imposita est. The bishop, or another censured priest, who compels someone to celebrate coram se, is made irregular c. That which pertains to and the Primate of Regulars his Religious ones,

even if it be public, according to Bordon. etc. ap. 72. But even seculars; as Peyrin ibid. from the privileges of Martin.

V. et Jul. II. Notandum est dum III. cum Cabassut l. 5. c. 20 n. 13. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Si quis caelebret in Ecclesia polluta, non fiat irregularis; fit vero qui celebrat scienter in loco interdicto, quia jam violat censuras per exercitium Ordinis ex c. Is qui 18. de Notand. IV. cum n. 16. et si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Qui ordinatur ab Epis- copo excommunicato, suspensus, interdictus, hæreticus, schismaticus, aut simoniacus, fiat irregularis: argum. 1 ex c. Si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Quidem et c. ubi dicuntur hujusmodi Ordinationes indigere dispensatione. An autem incurrat irregularitatem, qui ordinatur aliquò irretitus censura?

V. l. 6 n. 799. Dub. 3. vers. Whether. The third point is this: because of the sin by which the cleric seriously and knowingly performs an act of the sacred order that he does not have, he solemnly exercises it. Good loco citato pars sexta. caput secundum. capita tertium.

From this head therefore (as it has been said and), De Cler, not minor order. Nevertheless, if a Diaconus does not chant the Gospel with the stole, etc., or if a Sacerdos does not absolve a sacrament, solemnly baptize, etc., would it not incur irregularity for a Laicus exercising an act of Order whom he does not have? The probable is denied in accordance with what

has been said concerning Baptism, l. 6, n. 116. Dub. 3.

Who is bound by two censures and exercises the act of the Sacred Order, although he does not incur double irregularity, yet incurs one equivalent to it; hence in the petition for dispensation this should be expressed: A simple priest excusing confessions does not incur irregularity; because he actually exercises the act of the order which he already has, though lacking jurisdiction, as correctly said by him: Hence he sins, but does not incur irregularity. Fourthly, on account of the crime whereby someone maliciously receives 360 Ordines, for instance, in excommunication or suspension; either by a Bishop who does not have jurisdiction, or by leaps and bounds (although this suspension is merely during the time when he does not minister in the Order through leaps and bounds received), Avila sufficiently probingly teaches this; or stealthily (without the knowledge and approval of the Bishop), and without examination; V. Bonaventurae, dissertatio 7, quaestio 5, petitio 4. By means of a illicit reception of Orders, an irregularity is incurred. I. 368 Qui Ordinem suscepit sine approbatione Episcopi; nam prohibetur ex c. r De eo, qui fur., ascendere ad alium Ordinem. II.

Whoever takes a Order without the dispensation of the Bishop, Book 404. VII. On Penalties of the Church, and title. III. He who after the contracting of marriage before consummation receives the Sacred Order, contrary to the will of his wife, as it is said elsewhere.

Former vow. Nevertheless, as regards the clandestine receptions of Orders, which Busemb. enumerates in sect. 42, n. 5, p. 17, n. 1, it is always necessary to recur to the Pope for absolution from such suspension: see also note n. 318. In hoc autem genere irregularitatis episcopus nequeat dispensare, si crimen sit publicum et ipse ante ordinandum praeciperit sub poena excommunicationis ut nemo furtive accederet ex c. 1 eodem titulus ut supra; v. 75. Who besides this also say with Fragroso, etc., that regulars can presume to dispense with seculars in cases of other secret irregularities, and thus presume in this case too, according to the Privilege of Sixtus IV. and of Julius II., as stated in the preceding Decretal n. 352 at the end of 362: "Quinta, propter enormia crimina, si sint notoria et publica, v. gr. quae jure habent annexas infamiam, ut adulterium, raptus, incestus, perjurium in judicio." "This irregularity is reduced more properly to an irregularity from a defect than from a crime, since infamy is no other thing than a defect of good reputation," as Croix says in 1. 6n. 512.

All infamous irregularities arise from the treatise on Infames, chapter 6. Question 1. And this is understood, whether the infamy be according to canonical law or according to civil law. Moreover, whether the infamy

arise from law or from fact; even so, in order to incur this irregularity, it is required that the crime, to which infamy is annexed, be notorious either by notorious act or by notorious fact, per public rumor. It is required, as stated in article 9, n. 6, prout dicunt, cum Castro et Pignat. apud Croix L. 7, n. 5 r 3 (contra.

Item he says that even a crime must be such that it is notorious, whether in fact or by public reputation, such as heresy, parricide, etc., or continuous offense, such as concubinage. Infamia autem juris habetur per confessionem rei in judicio, vel per sententiam judicis, saltem criminis declaratoriae; ita 2 c. 26 n. 1. c. 8 n. 82, cum item raptus mulierum, seu ad illud cooperium, duellum, paratio armorum contra parentes, etc.; vide item exercitium histrionis cum turpibus representationibus et actionibus, ita ut non fiat sine peccato mortali: non autem macellatoris, carnificis, lictoris, et similes genus, cum haec officia possint exerceri sine peccato, ut 6 et 84, cum Corn. contra alios. Furthermore, it must be noted that one can also incur irregularity by reason of still alien infamy, insofar as do their sons incur who have been condemned for delinquency against the Majestic; likewise sons born of a harlot mother; thus sons of heretics (although this denies 4 n. 6, it partially negates the presumed statement about illegitimate children); nevertheless it is notorious that their parents were heretics and died in the heresy, as stated in 2 c. 28 n. 7 and 43 sect. 3 n. 1. In order that all these irregularities may incur, it is necessary that they be born after the crime; thus . 2 c. 27 n. 14. . 2 c. 34 n. 121. c. 8 n. 83 cum Bon. et Henr. This infamy and irregularity, if it be committed, is removed either by Baptism on the 364th day [or] through notorious amendment of the act without dispensation, as they hold in section 2 of book 48, page 406 Lib.

VII. Concerning the Censures Ecclesiastical, and canons 14, and 4, note 6, and Croix note 517 with common consent, at least for a period of three years it shall persevere. If indeed it is a matter of law, it is not taken away except by dispensation; although Bonaventure holds that this may also be removed through Baptism, and the Bishop cannot dispense so that an infamous person ascends to Sacred Orders: yet he can minister in things received, if the crimes be less serious than adultery, and the culprit have done penance. If, however, infamy be through a judgment of the judge, it can be removed by another sentence, whereby the repute of the culprit is restored; irregularities arising from crimes of parents can be derogatorily withdrawn by entrance into Religion, as . with . Since it is corn.

They testify indeed from there. The rule of affairs is able to dispense with its subjects in this irregularity, whether contracted before entering into religion or after; also, whether it be through an infamous jurisprudence or

act, without exception. Sexta arises from an unjust mutilation, or homicide, even indirectly voluntarily; and shall be extended to all who either in war or outside that, unjustly concur with each other, consulting or ordering. Mutilatio autem hoc intenditur, quando à corpore separatur membrum aliquod principale, idest pars corporis; quae officium per se distinctum habet, v. gr. per manus, oculus, auris, etc. M. Leo in praefatione p. 3 s. 347 ex Coavert. . unic. Concerning the 55th chapter, 8th section, note 18.

Thus even an irregularity would arise if one culpably deformed oneself, or amputated a finger or part of a finger to himself, according to c. Qui partem D. 55. It is said that one should cut off his own hand, because it would be as if he had voluntary homicide (namely, when homicide is either directly willed in itself or indirectly willed in cause, being nevertheless inseparably and proximately connected with it, as in lethal wounding, in the application of poison, etc.), just as much from indirect voluntary homicide (that is to say, when homicide is willed indirectly in cause, previsibly effectual, not so much nor so closely connected with the cause), and from neglecting due diligence to prevent it. Here we will annotate some matters I. On voluntary homicide. II.

Of accidental homicide; noting that if a penitent should choose a Confessor as a supplement, it can be suitably confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is odious and strictly to be understood concerning ordinary election, not extraordinary. This holds if a penitent should choose a Confessor as a supplement, it can be suitably confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is odious and strictly to be understood concerning ordinary election, not extraordinary. That which is said of irregularity on account of homicide, let it be presumed regarding irregularity on account of voluntary or accidental mutilation. If a confessor is chosen for supplementation, it can be well confirmed by another three years after the time of supplementation, because the prohibition against choosing a confessor beyond a three-year period, as odious and strict in regard to ordinary election but not extraordinary, pertains to homicide voluntarily, I. incur 36j runt irregularity all who through their own action kill a man, as is evident from c. Si quis i de: 14. But this is doubted, namely, whether if a murderer regrets his deed before death, he incurs this irregularity? They deny it; but more truly they assert it: 44 s. 3 n. 7, et 4. For in this respect there is a difference between the physical and the moral cause: it suffices for him who has established the cause merely morally to frustrate its moral effect; hence, by ordering murder before its execution, he excuses himself from

irregularity because he already ceases to have moral influence over it.

Qui vero posuit causam physicam mortis, scilicet vulnus aut venenum, non excusat si eum poeniteat, quia causa necessario pergit influere in mortem. But it correctly teaches 44 sect. 3 n. 13 at the end, that even a mandator is not excused from irregularity, if the revocation of the mandate fails to reach the mandatary by chance. However, it is very probable (as we said in no. 40, and the same authors also hold) that a mandating excommunication will be excused if the cleric repents before execution of the mandate; whether it be according to lib. 408 §. VII. Concerning the Penalties Ecclesiastical and Irregular, even though the revocation by mandate did not take effect, because the required contumacy has ceased to incur the penalty.

It is certain that if a Confessor be chosen for supplement, it may be duly confirmed through another triennium after the term of supplement, since the prohibition against choosing a Confessor beyond a triennium, as odious and strict, should be understood in relation to ordinary election, not extraordinary. For even if anyone inflicted some mortal wound, yet if death does not follow, irregularity is not incurred; for no cause is assigned by law on account of an attempt at murder, but only because of actual homicide or mutilation; thus 44 sect. 2 n. 2, and c. cum Avila et Sayr. ac alii passim. 369 Dubit. 2. Do they incur irregularity who first struck mortally someone else, but others afterwards slew him? affirming this are Ugol. apud. Good. D. 7 q. 4 p. 8 n. 32. And they infer from this: "Where You have said, when the Pontiff said, first to wound and not be irregular; if it is true that the wound inflicted by himself was not lethal; then conversely, if it has been lethal." They however deny that which was said by Thomas in the third part, third question, fifth treatment, third chapter, tenth section at the end.

Bonaventura in loco citato cum Avila, et Concilium item Molinae, et Henricus apud Escobar libro 53 nota 311. I myself hold that as it was indeed decided in the case presented there, namely when someone had first been struck by one person, then by others, and thus succumbed; the Pontiff responded, if it is confirmed that he did not strike lethally first, then he would not be irregular. Case, namely, if there were a doubt whether he had perished from that blow or from another one. Our own case, namely, if a Confessor be chosen as supplement, may well be confirmed by another three years after the time of supplement, because the prohibition against choosing a Confessor beyond three years, being odious and strict as it is in regard to ordinary election, not extraordinary, ought to have been transgressed if any Confessor had been chosen as supplement, and may well be confirmed by another three years after the

time of supplement, because the prohibition against choosing a Confessor beyond three years, being odious and strict as it is in regard to ordinary election, not extraordinary, ought to have been transgressed if any Confessor had been chosen as supplement; for the one who first inflicted the lethal wound was dead, but after having been struck by others he perished, I think this to have passed unnoticed by the Pontiff, at least it is not certain that it was decided. This nevertheless must be understood, if it is determined, that the first wound did not cause death, nor hasten it, but brought it about according to the wound, namely, if the head had been broken, or the heart pierced; for otherwise in doubt the first would not have escaped irregularity. 390 II.

All incur irregularity who command or consult with a view to homicide, as is contained in the c. Si quis viduam. D. 50 c Significasti 18 de tit. This nevertheless does not apply, if one has commanded or consulted without the command or consultation leading to homicide, namely (as it is said in 1 c. 10 n. 44, and 9 ar. 2 n. 6) if it should be established that the homicide occurred for another reason; or if he himself asserts this and is worthy of credit; otherwise, as he well observes, alias. But he doubts whether the one who orders or advises is to be considered irregular in a doubtful case, namely whether the order or advice was given, or not given, and whether an efficacious cause of homicide exists? The first opinion is more common among those who hold 1 c 10 n. 42 at the end with Salas, 6 p 3 n. 8, stating that because the mandate or counsel prevails until the opposite is proved; hence, those condemned externally as irregulars would also be deemed so internally, which must conform externally, and never should an external person make use of a false presumption; furthermore, because the reason for the text in cap. Ad audientiam, namely if a Confessor be chosen as a supplement, can be sufficiently confirmed by another triennium after the time of the supplement, since the prohibition against choosing a Confessor beyond three years is, as odious and strict as it is regarding ordinary election, not extraordinary; hence, in case of doubt about homicide, the safer part should be chosen, so that if perchance later on the murderer becomes known for certain, an indecency and scandal may thereby be avoided, comprehending both the murderer as well as the mandator or consulens.

The second opinion, which those hold as probable [6 R. 42:1:10 de Cens. tr. 4 c. 5 n. 11], denies it, saying that irregularity is not incurred unless it be expressly so in the law; for laws speak of those who are certain to be a cause of homicide by commanding or consulting, but not of those who merely chance upon such an act dubiously. Whereby it would not congruously incur irregularity by commanding or advising to commit murder, unless this were expressed in the aforementioned texts, other

Canons who condemn those striking presumptuously do not extend their censure to those who command or advise to commit murder presumptuously in doubt. The first reason might be answered thus: if a Confessor is chosen as a supplement, he can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is so odious and strict when it comes to ordinary election, not extraordinary one. This is said concerning the obligation of restitution, see the aforementioned 1. 3 n. 562, from there. To the second reason it is replied that if a Confessor be chosen for supplementation, he can be sufficiently confirmed through another triennium after the time of supplementation; since the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strictly to be accepted, concerns ordinary election rather than extraordinary one; hence, concerning the obligation of restitution, see the aforementioned 1.3 n. 562, ex. VII.

Of censures ecclesiastical and irregularities (in accordance with what is stated in no. 346,) let there not be an extension of reason for one case to another case by reason of the same title. Wherefore it does not seem that this second opinion should be considered improbably, 373 2 n. 7, because in this case it would not simply result in murder. But commonly and rightly affirming Bon. D. 7 q. 4 p. 8 n. 28 c. 8 n. 13, cum Avila et Corn. quia reverè iste jam directè est causa illius homicidii tunc patrati; 373 Dubit., an consiliator homicidii excusat ab irre- irregularitate si ante executionem consilium revocet? They deny it, according to common assertion, as Sylvester says in his fifth book, chapter eight, note twenty.

Murder, n. 13. Fill. tr. 20 n. 34 item P. Sallis, et c., quia, ut consulens excusatur, sufficit si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. congruent consulendo moraliter influxum posuit, ita consilium revocando influxum moraliter auferat (modò revocatio perveniat ad hominem; tunc enim homicidium potius imputatur malitiae executoris quam consilio suadentis. But according to what has been said in law 3 number 559, we state that if a Confessor be chosen for supplement, it may well be confirmed by another triennium after the time of supplement; because the prohibition against not choosing a Confessor beyond a triennium, since it is odious and strict, must be understood of ordinary election, not extraordinary. But if the advice given has merely been false or authoritative in nature, revoking that will not make it irregular; whereas if the counsellor has suggested a motive or manner for killing, then he incurs probability of irregularity, because motives and manners always have an influence. Nevertheless, this

does not prevent me from thinking that the second opinion is not improbable; V. d. n. 559. 374 III. Incurrunt irregularitatem omnes, qui voluntariè cooperantur homicidio, vel ut illud celerius, audacius, aut securius fiat. ut communiter docent . 6 p. 15 § 2 n. 6 Bon.

D. 7 q. 4 p. 8 a n. 28. . and Ugol. et and Avila, ex c. Secut, § Qui vero, et § Clericos, de Hom. Hence they become irregular. 1. All those who incite themselves to homicide, even though but one may kill. 2. All those who wage war in an unjust battle, if anyone is killed therein, even though they did not intend it; for they thereby incur at least the irregularity of accidental murder. 3. All who minister arms or money to homicide, or allow an unjust war to be endured. 4. All who unjustly accuse, or testify, or judge, so that a man may be killed. 5.

All who associate themselves with a murderer, strengthening his spirit; thus commonly . 9 ar. 2 n. 3. c. et et Corn. Wherefore the said chapter number 28, together with Sayr. Preparationes et Ugolinus: Si quis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Si in rixa te ostendas amico rixanti, jam sis futurus irregu-laris; si ille occidat: quia tua præsentia jam animum auges et cum addit Præpositio: non posse se approbare opinionem Avilae, 2 num. 8, cum Avila fieri praesumptum irregularem, qui suadet amico ut inimicum occidat vel se exponat probabili periculo mortis, si postea ipse amicus occidatur; vide n. 387 ibi infra. Dubium: An incurrit irregularitatem qui ratificat hoc factum quod pro se nominatim peractum est homicidium? They affirm, in c. 8 n. 11, that (as they say) those who ratify are equivalent to commandants; hence in c. Cum si quis, de Sed verius, and commonly they deny 44 s. 3 n. 24.

Good. D. 7- q. 4 p. 8. n. 42. cum . 288, et 289, cum Con. Avalle, Cove. Seyr. et Henr. Reason, because nullity is attributed to it when an imposed irregularity has been ratified.

However, ratification is equated with a command as regards culpability, not as regards punishment, unless it be expressly stated in the law; just as it has been expressed concerning the ratification of clerics regarding the percussion affecting excommunication, but not regarding the incurred irregularity, 412 Lib. VII. Of ecclesiastical censures, from the regular, doubt 2: whether one who is capable of preventing a valid homicide culpably impedes it without incurring irregularity? If he is bound to impedite only out of charity, it is certain for all that he does not incur irregularity by not impedite out of hatred; thus commonly . 45.8. 4 n. 3.

Good.

D. 8 q. 4 p. 8 n. 37, et Fill. Gib bal. Henry, tutor, lord, or husband who is bound to provide nourishment to his wife? The first opinion denies that such a thing is incurred, and this view is held by many, Hurter. D. 2.

Tower. D. 63 dub. 3. Diana p. 4 tr. 2 R. 7 cum Vanq. et et Giball. apud D. 6 p. 15 § 7 n. 2, et Escob. 1. 53 n. 315. Reason, because he who positively contributes to murder is to be judged otherwise than he who does not hinder murder. The second opinion asserts this, and those maintain it: 46s. 4 n. 5. c. n. 2.

Bonaventurae I. quaestio. I caput. octigessimum tertium nota quarta. Escob. 1. c. cum Man. et Henr. ac et Corn. Reason, because omitting to defend him whom justice requires to be defended, if one could do so, one would be counted a true murderer, since he himself, though not physically, yet nevertheless morally contributes to the murder. This judgment is indeed more common and probable, but to me it seems equally probable the first; for irregularity ought to be expressly expressed in the law, correctly spoken. By canons are insufficiently established, such as do not impede this, providing merely a moral cause, to incur irregularity, but only those who strike, command, consult, and all positively influencing homicide. However, Tourn. and Escob. ll. cc., excuse such an irregularity by omitting to prevent it not zealously because of the wish that a man be killed, but only from fear or negligence; which they correctly infer from c. Quæsitum, de Poen. et rem., where Parents are held to be irregular if they have studiously neglected to impede suffocation in their child who perished thereby, not otherwise if the child died by their own negligence.

This concerning voluntary homicide; if a Confessor is chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, as odious and strict when referring to ordinary election, should not be strictly interpreted in extraordinary cases. However, regarding accidental homicide, irregularity is presumed upon him who foresaw the danger of death through some action of his own and culpably neglected to prevent it; thus Pal D. 6 p. 15 §. 5 art 3, and also Henr. and others frequently, as can be seen in 7 q. 4 p. 7 fin. 6 p. 15 §. 4 fin. 45 sect. 5 n. 8, and with Cajet. Arm. etc. « 1. It is not irregular for one who in a quarrel refrains from detaching the thumb, nail, toe, beard, hair, lips, nose, or ear (that is, the cartilage which merely serves for adornment and protection of the ear); because they are not properly speaking members, since the thumb is merely a part and has no proper function as a

member, Avila, and others 8. with likewise M. Leo in loc. cit. « Exglossa caput ultimum de homine in sexto et L. ». It is asked, Herm.

Therefore an irregularity is incurred through presumed mutilation of a member, as stated in ch. Signifieasti de Homicidio and in Clemens. If a furious person does the same. But he doubts: what shall come under the name of Member? The first opinion, which they hold . 44. sect. 2. n. 7 et 8 ac Sotus, Caj. dicunt, non solum intelligi debet oculum, manum, etc., sed praesumptum nasum, digitos, et auriculam, quia per horum abscissionem jam subtrahitur (ut ajunt) corporis integritas. But commonly and more probably Habert c. 7 q. 566.

From which [reasons], Cabassius, lib. 5, cap. 20, n. 9, cum. Seyr, Dyana, 414 Lib. VII. Regarding censures of the Church, and so forth, they say that by the name of Member is understood only those parts of the body which have a function proper to them separated from others, such as the eye for seeing, the hand for acting, the foot for walking, etc. Hence more probabiliy do they say cc. et Sayr. Corn. etc., one does not incur irregularity by amputating a chicken's foot, because what is removed does not take away the whole office of hearing; nor by detaching the beak; for they are not members but instruments of the maxillae for the dispensing of food, as d. n. 24, with Sayr.

Diana and Tourn., and so on, with Val. Aquila, Coav. It does not hinder the text in 6 c., where it was declared that a person who amputates his own finger or part of his finger is irregular; for Tournay and Habert respond that they were not made irregular by mere mutilation, but by an evil will, which was their cause (as it is said there) by inflicting iron. Dubium: 2. an sit irregularis qui abscindit testiculos alii? They deny it [its irregularity] according to c. 8 n. 23, because (as they say) those are not a member but part of a member.

But it is more probable that those who affirm §1 n. 4 and . c. et Diana p. gtr. 7 R. 11 (although they may have said otherwise) do so because the testicles already possess their own operation, not being apt for the formation of seed suitable for generation (understand however if the severing is unjustly done). But if only one testicle were taken away, since one does not have a different office from the other, as both contribute to the same operation. It would then be irregular, as they say . n. 4. ll. cc., but this contradicts Resp. Parts, quia in c[antum] 2 de Cler[cium], qui duos digitos cum medietate palmae amisit, non dicitur mutilatus, sed debilitatus; communiter autem dicunt Cabass[ius] 1. 5 c[apita] 20 n[ota] 9, cum c[antum] 8 n[ota] 25, cum Soto, Bonaventura. Cov. 7 n. 487, cum non esse irregularem, qui alii membri debilitaret adhuc taliter ut redderet

ineptum ad suum officium. But even if it left a corpse, as they say in n. 26. But this is very probably contradicted by §44, sect. 2, n. 11.

Cabass. 1. cit. n. 27, cum n. 27, non esse irregularem quemadmodum qui talis membra omnino exsiccatas abscinderet, quia talis non esset mutilatio formalis. In hac autem irregularitate propter mutilationem possunt dispensare episcopi si sit occulta ex facultate Tridentini in c. 6. Let it be permissible according to s. 24 de ref., where irregularity on account of voluntary homicide alone is excused, as commonly they teach. Sect. 2 n. 4. c. n. 3. c. 8 u. 28, with Villal. etc. « 2. One is not rendered irregular who has blinded a man by depriving him solely of his sight, and not by removing an eye; nor he who weakens a limb, but does not cut it off, because this is not mutilation. 4 R. 26, ex Megal, etc. When more than one (not by counsel, but in a fray) strike one person, and one of them inflicts a lethal wound, from which that person dies, if it is established that someone did this, they teach that only this one should be considered irregular.

» 4. He who, with good intention, gives something to the infirm, for instance food or drink; or moves him, or transfers from bed to bed, or performs some other action concerning him, by which death, or its acceleration beyond intention follows, is not made irregular unless great fault intervene, Avila, 1 (Ità praesumptum comm. 171, cum Fill. et Avili. ac Sic praesumptum non fit irregularis Sacerdos jubenis fieri abscissionem mem- bri præscriptam à Medico, modò ipse non exequatur; Cabass. 1.5 c. 19 nu. 22. But much more probably: Whether he who does this shall make it irregular that the sick man may die sooner? They affirm Cov. » and Con. and meritly they consider it probable . because, although there is a grave sin, yet the external action remains seriously unjust.

Hence, it seems to me that distinction should be made so as not to use anything in the obligation of restitution which corresponds to what is stated in paragraph 3 note 551. For we must look to see whether sufficient diligence is applied regarding the thing for sale before it becomes invalid due to the illness of the buyer. Certainly it becomes irregular who rashly provides a remedy from which death would notably be hastened; yet always irregularity requires wide fault with mortal petechiation, as cited n. 348 and 377.* 5. He who accompanies a friend with good will, so that he may not perish in a brawl, does not become irregular; otherwise, if the friend kills another. Avila, unless the will itself be present to intend killing; see no. 374.) 6. In bello injusto, si vel unus occidatur, totus exercitus fit irregularis, saltem si aliqua ratione sit cooperatus; 7.

It becomes irregular, who procures an abortion of a foetus animated with a

rational soul; otherwise, if it is not animated. C. Majores 32 q. 2. Bonaventura. Ibid., p. 8, n. 27. He who has prohibited sufficient diligence for the work of a licit matter (nay, according to many, presumptuous in an illicit matter) from entering into the operation thereof, lest homicide follow therefrom, and yet it followed, does not become irregular on account of defect of will; otherwise, if he omitted that diligence through mortal sin, it would be due to omission. 2 c. 9 d. 15 etc. Others say, however, that if a Confessor is chosen for supplementation, he can be sufficiently confirmed by another three years after the time of supplementation, because prohibition from not choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary. For, if a Confessor is chosen for supplementation, he can be sufficiently confirmed by another three years after the time of supplementation, because prohibition from not choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary. In the operation of an illicit thing, through any kind of fault, even presumptuous in the lightest way, he incurs this irregularity. Panorm.

Cov. M. Leo page 3 » section 354. Therefore, distinguishing: if anyone expends care for a lawful and due affair so that homicide does not follow, he does not incur irregularity if death occurs; thus commonly. 6 p. 14 § 4 n. 7. Good.

D. 7 q. 4 p. 7 n. 8. Conc. tom. 10 p. 490 n. 7. 1. And it is evident from c. Is qui, c. Sæpè, and c. Si duo fratres. But thus, if he omitted sufficient diligence, as is gathered from the treatise On the Priest, and the treatise Ad Audientiam concerning Homicide. Because, when one is negligent in precluding homicide, if a Confessor be elected as a supplement, it can well be confirmed by another triennium after the time of the supplement, since the prohibition against electing a Confessor beyond a triennium, as odious and strict, should be understood regarding ordinary election, not extraordinary; for he who is thus elected as a supplement fears this indirectly already in his cause.

It is said to be sufficient diligence, because it does not require supreme diligence, but that which a prudent man would use according to the quality of the thing; as rightly stated in c. cum D. 45 sect. 5 n. 8. § 4. Concilium 1. c. Codex Canonum 1. capitulum 5 caput 20 nomen 10. 2 quæstio 64 articulus 8 decretalium numero 30, in fine cum 2 Regulæ 21 cum Filliaco et communis ad incurrendam enim qualcumque irregularitatem ex delicto omnino requiritur culpa gravis ut probat Cabass. 1 capitulum ex codice Quæsitum de Poenitentia et caput fine de Homine in

VI. See decree no. 348 and 377. Hence it is not irregular I. Master who moderately corrects his disciple by beating (and the same regarding the father with respect to his son), if through such a blow death of the disciple should happen, as concurs d. n. 7; and again, if he greatly exceeded in this, as is apparent from c. titulus in 6 II. Whoever by riding a ferocious horse kills a boy; Concilium ibidem et Scriptura; and whoever raises or feeds a ferocious wild beast or dog, and keeps it hidden; if through chance the beast breaks its bonds and kills a man; otherwise, if it held it in a place where it could harm others; or if it had been set free through his negligence; and Corn.

IV. Whoever, in repairing a house, casts forth tiles and stones, warning those who pass by to take care, but if he does not warn them... c. V. A physician, if through chance an invalid succumbs to a drug provided without gross negligence on the part of the physician, as per c. Ad aures, de ætate, et quærit. ord. And this still holds true if he is a cleric or a monk; provided that he be skilled, otherwise he would have avoided irregularity by not offering remedy temerously or against the precept, from which death or its notable acceleration might result, as properly stated on page 84 and in Bon. Doctor 7, question 4, part 4, page 5, note 4, with Molinaeus.

Sayr. Henry and common. (As if he bona fide gave something to the infirm for his remedy or alleviation, as in ibidem with Corn. and 4.) Who for an infirm person). Now however 2. The cleric may be healed without incision, or by application of fire; otherwise, since it is expressly forbidden to clergymen and monks in Sacred Canons under the penalty of irregularity in c. Sententia, lest clergymen or monks become irregular; if death should result from such incision or application of fire; but if something else happens, namely through the force of the disease itself or by some other cause, as they say, 6 p. 15 § 4 n. 8, in fin., and Tournai with Molinists, and canons with Avila, Henry, and Cornuel. Si autem Clericus Beneficiatus medendo cum incisione praeter necessitatem aeger ex illa moriatur, fiat irregularis?

Affirmant cum Pontas et Gib. tum quia supponitur a Adversariis regula præfata sed nec uno nec pluribus jure satis probatur; tum quia in praefato textu Sententiarum tantùm de constitutionibus in Sacris fit mentionem poenarum autem non sunt extendendas de casu ad casum in jure non expresso. And although we have said in article 395, paragraphs 33i and 395, concerning negotiations and games under the name of clerics, that they do not come merely from those constituted in Sacred things but also include presumptuous beneficiaries; yet, since in this case the prohibition has been made specifically for subdeacons, deacons, and priests, those who

are lesser than these are not comprehended by them, whoever they may be. If however one gives attention to an illicit matter, and death therefrom befalleth another, it is a common sentiment that if a Confessor should be chosen as a supplement, his confirmation might well be achieved through another three years after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, is to be received regarding ordinary election rather than extraordinary. If however such work is not illicit but perilous for some other cause, he will indeed sin, yet shall not incur irregularity if he has made sufficient use of diligence to avoid death; for example, if someone were cutting a tree on another's property and accidentally killed a person by mere chance, or induced someone else to steal without risk, and that same person died as a result, and similar cases. The reason is because such a homicide would then not be voluntary for him, neither directly, since it is not intended, nor indirectly in its cause, since such an act is not per se perilous; for laws that define irregularity intend to punish by the guilt of true homicide those who really delinquently commit it; but that action, although it may be evil, is not evil through malice of homicide; for as is well taught in 2, q. 76, a. 3: ignorance of an invincible circumstance excuses from special malice of the sin, even though the act itself is a sin; this is very commonly found in 45, s. 6, n. 9. Soto de Jus lib. 5 quaest. 1 art. 3. cap. 6 p. 15 sectio 4 num. 5.

Escob. 1. 53 n. 300, with Cov. Val. and Henr. and . 8 n. 34, with Corn. Aville, et Sair. contra Palud. Gabr. et alios paucos apud c. n. 1, qui citant pro se 2q. 64art. 8, sed non bene; nam licet S. Doctor ibi dicit, dantem operam rei illicitae non evadere homicidii reatum, tamen id aperte intelligit de re illicita ob periculum homicidii, ut patet in responde ad 1 et 2 ib. It does not prevent that if a Confessor be chosen for a supplement, he may be suitably confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period, inasmuch as it is odious, strict, and to be received as binding on ordinary election but not on extraordinary, which if a Confessor be chosen for a supplement, may be suitably confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period, inasmuch as it is odious, strict and to be received as binding on ordinary election but not on extraordinary, as declared in c. Clerico jacente, and c: Those indeed were declared irregular cases of murder or maiming; and only those who assist in lawful matters shall be excused according to the canon law of John, and the canon called Dilectus, and the last canon concerning Homicide.

Therefore he who gives assistance in an unlawful matter, from which

death follows, becomes irregular already. For it is replied, if a Confessor be chosen for supplementarily, he can be sufficiently confirmed by another triennium after the time of supplementarity, because the prohibition against choosing a Confessor beyond a triennium being odious and strict, should be understood in reference to ordinary election not to extraordinary election. These canons always intend to speak about homicide directly or indirectly willed, as is gathered from where it is always said that homicide is altogether involuntary for someone, and no irregularity is imputed to him, although he himself provided assistance in an illicit matter. The greater doubt is, whether one incurs irregularity by giving assistance to an illicit and in any way perilous thing, if death results therefrom? There are two probable opinions.

The first affirms what they hold in section 45, chapter 6 note g. Tolet. 1. 1 c. 77 n. 7 et 8. Avila, Mol. et 7 q. 4 p. 7 n. 9 et Sotus, Cordub. Castro, 2 R. 20. And it is approved in c. Tua nos 19 de Homic. where it was said that when a certain monk, despite being an expert, fell upon a boil of some woman, and later the woman died due to her own negligence, nevertheless he was declared guilty, and the Pontiff said: After suitable satisfaction, mercy may be shown towards him, so that Divine worship may be celebrated.

Those words, as Fagnan states in d. c. et . c., according to common understanding signify that a necessary dispensation had been required. From this text, a general rule is made: si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Ex actione injuste periculosa, quoties sequitur homicidium, etsi casualis, inducatur ir regulatititas. The second opinion is more probable than that which they hold on page 6, section 15, note 5. I said, 3 tr. 3 p. 3 c. 10 n. 4 (who calls it safe), 2 p. 467 n. 189, cum c. cum Salon. etc., and Diana l. c. cum etc., and Viv. cum Av. v. n. 374, against some: then irregularities are incurred, although every care is taken that death not follow, because (as Tourn. well says), since it is necessary to deal with something closely dangerous, no care can make it non-dangerous. If however the work rarely induces death, and due diligence is employed to prevent death; then (as we have said) homicide is neither voluntary nor in itself culpable or in its cause; since the work is not proximately perilous, and by dint of due diligence it is sufficiently excused from malice in homicide.

Regarding the text opposite to yours in d. c. Tua, Sotus responds in De Just. 1. 5 q. 1 art. 9, and 2. c. 9 n. 105, there stating that Monachum had

minimally been declared irregular; but this response does not satisfy me, for the words of the text quoted above more correctly signify that he had already incurred irregularity, and it is easier to dispense with him on account of this, and thus the Author explains the argument, saying there: But mercy can be extended towards him; and in such a manner others presumptuously commonly agree, as attests ult. de Homic. in 6.) Furthermore, what we say, for he had declared in c. Sententiam. Lest clerics or monks, on account of indecency, or because such an art is in itself maximally perilous to death, hence Lib. 432. VII. The Constitution concerning Censures and Irregularities was more declaratory than constituting a new law. Nor does it hinder another text in c. Contineb. de homic., according to which a certain deacon who had been condemned as irregular for bearing a hidden scythe, and who was the cause of another man's playfully inflicting him with the scythe, and thus suffering death; and here, taking hold of him, he was struck by the scythe and died.

For it is answered according to the Glossarium ibidem. Romans, et 45 sectio 5 numerus 3, in fine ac unde dicunt Ex hac autem secunda sententia inferunt n. 212, et quia tales actiones non sunt per se inductivè homicidii, alias nec etiam laicis essent licitæ; excipe nisi in his vel similibus gravem negligentiam ille commiserit pertingentem ad mortale, juxta dicta n. 383, in fine 388 «9. Whoever mutilates or kills another in necessity, for defense of himself with moderation against alleged tutelary authority, does not incur this irregularity: because here there is no guilt: therefore neither punishment. M. Leo page 3 column.

349. It is certain that if a Confessor be chosen for the supplement, he can be suitably confirmed by another three years after the time of the supplement, because the prohibition against electing a Confessor beyond three years, as odious and strict as it is in the case of ordinary election, should not be interpreted strictly in the case of extraordinary election. This exception from irregularity is evident from c. Significasti 18 § fin. de Hom. et ex Clem. If a furious person from the same title where it is said: And the same (that is, so as not to incur irregularity) is reckoned for him who, if he cannot otherwise avoid death, kills or maims his invader. Nec obstat c. 7, ubi dictum est praesumptum cum eo qui occidisset casu vel vim vi repellendo ut quis se à morte defenderet...jure quodammodo dispensatio debeatur; nam comm. explicant hoc textum DD., intelligi quando ille moderamen non servaverit; ita et Seyr, S. C, I oct. 1688. Far from doubt, an irregularity is incurred who, with grave culpability, exceeds the moderation, as is evident from c. p. 116.

This case nonetheless considers homicide as accidental, and hence the Bishop (if the crime is hidden) can dispense from such irregularity, as will

be explained shortly in note 305. He is excused from irregularity who kills an unjust invader of another's innocent person presumptively, as [46] sect. 3 n. 2 et 3 cum Barbos. item et Cov. apud Cabbas. 1:5 c. 19 n. 24 adheres to them, against others, because irregularity from private homicide is not incurred unless there be mortal sin; this is taken from c. ex litteris praemio loco de et secus vero si non praevidet. What, however, is to be said, if someone, in approaching the widow's assailant, kills him? V. the said law 3, note 398 verse. According to the order that we have stated, adultery is not excused on account of irregularity if one foresaw a proximate danger of invasion, because then adultery is a proximate danger to murder; but so far as he approached carefully, thinking that the danger was remote, in that way it is not proximately dangerous.

What if a husband, after learning about the adultery, kills his wife; would he then become an irregular adulterer? In the same manner we have distinguished it, see loc. cit., at the end. Inquire whether one who kills another in defense of liberty, honor, modesty, or temporal goods with moderation and due caution is rendered irregular? The first opinion affirms this, and those who hold thus: tr. 3 p. 3 c. 9 nu. 3. 5 et Sporer. de 5. cum. Arm.

They approve the presumption for a reason, since although in such homicide there is no sin, yet there remains nevertheless a defect of lenity, on account of which irregularity always arises, except in cases expressly expressed by law; but who is excused from irregularity in matters of law only, when he kills an intruder out of necessity to preserve life, as mentioned in the common and more probable second opinion. This they hold: Suar D. 46, s. 2, à n. 4- (which calls it common), Les. l. 2, c. 9, n. 73. 6, p. 15, § 8, n. 7. Full. tr. 20. c. 1. q. 6 n. 146 Bon. Decretum 7. Quaestio 4. Pagina 6 Numerus 10. Conim. D. 18. p. 9 n. 88. p. 294 n. 583. . 459 n. 195. q. 4. cum . de cum Sayr.

Villal. ex. c. Because thee. Distinction 50. where it is said, when some Bishop shall have been seized by madness and shall have killed some persons at table in order to defend his liberty, Urbs. II. Thus he replied to him: But since you are not known to have done this except in a manner not spontaneous, canonically you will by no means be judged. Moreover, from c. Interfecisti, it is excused from irregularity by whomsoever defends himself and another, even if that conjunction has the force of a disjunction, namely, if one defend oneself or his own [interests], but not another who defends himself and not his own [interests], irregularity would arise; moreover, the Pontiff gratuitously added that provision for himself, if only through defense of his own life irregularity should be incurred. Moreover, it is more strongly proven from c. Dilectus 6. de

Sententiis ex. where, when a certain temporal lord violently invaded the goods of some dean, here he supposed that the entire land of that one was interdicted by the interdict.

Hence, when a doubt arose as to whether he had acted rightly, the Pontiff responded: Since all laws and every right permit repelling by force whatever is attacked, and allow everyone to defend themselves in every way, it was certainly permissible for the Dean (if the aforementioned Bailiff had presumptuously injured his worldly goods) to defend himself against that violence. And since against his excessive power, sufficient temporal defense did not perhaps come to him, he was able to presume a spiritual defense for himself, using the ecclesiastical sword. Therefore, lucidly this Pontiff declares that it was licit for the Decano to defend his goods against the violence of Balivus using temporal force or arms, saying: "Permission is given to everyone to repel force by force." This is proven in reason because such an irregularity does not incur either from delict or from a defect of leniency. Not from a delict, since there is no guilt, as the Adversaries themselves concede; nor from a defect of leniency, for it will be said below in n. 464 at the end, that irregularity from a defect of leniency does not incur unless through death or maiming, which occurs either by public ministers, or by soldiers in just offensive war, or by clerics performing services with fire or incision, according to the aforementioned n. 385 below at n. V. On the contrary, it is commonly held by DD. ex Is qui de ut vidimus n. 345 that if a Confessor is chosen for supplementation, he can be sufficiently confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict in terms of ordinary election but not extraordinary, does not incur irregularity; hence, since irregularity from defect of leniency is incurred only in those three cases mentioned, such extension should not be made for the case we discuss; indeed more so because in those aforementioned cases homicide is committed voluntarily, albeit without fault, whereas in our case homicide does not arise from voluntary intent but rather from necessity in defending one's rights; therefore, such a killing (as rightly said). It is replied to the opposite text in d. c.: We have received that a monk exceeded in defense when himself together with his associate had tied the robbers, whereas he could have released them vacuous without danger to things and persons.

Furthermore, the Glossa notes that if a Confessor be elected for supplementation, he can properly be confirmed through another triennium after the time of supplementation, because the prohibition against electing a Confessor beyond a triennium, since it is odious and strict, should be understood as applying to ordinary election, not supplementary election. That is, if a Confessor be elected for supplementation, he can properly be

confirmed through another triennium after the time of supplementation, because the prohibition against electing a Confessor beyond a triennium, since it is odious and strict, should be understood as applying to ordinary election, not supplementary election. Monk hath slain thieves without necessity being present; for he could have escaped before they were loosed from their bonds, since either the goods were already reserved, or it was possible to carry them off by force; therefore that defense was not moderate. Last to be considered is how this irregularity contracted through homicide should be remedied. It is removed by Baptism, as it is gathered from c. Si quis, Dist. 50. See II.

By means of a dispensation from the Pontiff, who indeed can dispense with every irregularity, it is called presumptuous and pernicious by Barbosa to hold an opinion contrary to one derived from presumed voluntary homicide; and he terms it wicked and rash. The text in c. Minor, ead., Dist. 5o, where it seems to assert the same, does not prevent this. VII. Regarding Censures Ecclesiastical and Irregularities, neither can the Pope dispense presumptuously regarding irregularity contracted by means of voluntary homicide; for commonly the Doctors (see . c.) say that this cannot be understood to mean that it is inappropriate, as is evident from the same text. 3. Bishops, autem, si homicidium fuerit voluntarium, nullo modo possunt dispensare in irregularitate, praesumptum, si illud fuerit occultum, ut habetur in c. Liceat 6 sess. 24. Tridentum, ubi episcopi possunt dispensare in omni irregularitate, excepta illa, quae oritur ex homicidio voluntario.

Excepitur solus casus, quo vergeter periculum animae, aut alia gravissima causa urgeret, et non pateret aditus ad Papam, ut docent communiter Sylvestri. Dispensation n. 11, and etc., 3.2 Say they in q. 8 art. 2 n. 7, with others, that if a Confessor be chosen as a supplement, he can certainly be confirmed by another three years after the time of the supplement, since the prohibition of not choosing a Confessor beyond three years, being so odious and strict when understood of ordinary election, should not be understood in regard to extraordinary election; therefore, if a Confessor be chosen as a supplement, he can certainly be confirmed by another three years after the time of the supplement, since the prohibition of not choosing a Confessor beyond three years, being so odious and strict when understood of ordinary election, should not be understood in regard to extraordinary election. If murder be so hidden that it cannot be proved in any trial, Bishops can dispense concerning irregularity contracted thereby. But this opinion is not proved valid by any reason; whence Renzi de Ratio rightly rejects it, because Bishops have no faculty over irregularities except that which is conceded to them by the Second Decree [Distinctionis 21], and it does not hinder to say that the Council can speak of that murder, if

a Confessor be chosen as supplement, he may be well confirmed through another triennium after the term of supplement, since the prohibition against choosing a Confessor beyond the triennium is understood to be odious and strict in ordination elections, not in extraordinary ones. Although it might be so hidden that it can in no way be proven in judgment, yet it can be proved in judgment. Now first it is replied that if a Confessor be chosen for the supplement, he can properly be confirmed during another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period, inasmuch as it is odious and strictly to be accepted for ordinary election, not for extraordinary, that which holds if a Confessor be chosen for the supplement, he can properly be confirmed during another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period, inasmuch as it is odious and strictly to be accepted for ordinary election, not for extraordinary, this gratuitously presupposes. Secondarily it is replied, that the same Council elsewhere in session 14, chapter 7, expressly opposed, saying: He who by his own will has committed murder, and if that crime either has not been judicially confirmed or made public in any other way but was kept secret, cannot at any time be promoted to sacred Orders.

If however a homicide were casual and very probable, it is held that Bishops can dispense from irregularity thereby contracted when the crime was occult; but the Council in De Caerimoniis denies to Bishops the faculty of dispensing only if the homicide was voluntary for distinction of casuality; thus generally . 6 n. 15 § 7 n. 7. 3. at the end, Diana p. 9 tr. 7 R. 21 et 43, with reference to . l. c. and Bonaventure number 8, with reference to he who lightly intending to strike kills through negligence, Bonaventure number 7. III. Cum eo qui percutiendo praegnantem, casu efficit, ut veniat abortus, Tourn. I. c. IV. cum Clerico qui exercendo chirurgiam ex imperitia vel negligentia aliquem perimit. 7 R. 22. . Præterea communiter docent 3 tr. 3 p. 3 c. 12 n. 3, cum Sylv. Syr. et Henr. and Diana p. 9 tr. 7 R. 22, with Les. Avila et aliis, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. possint dispensare Episcopi in irregularitate ex homicidio casuali, etiam notorio, ad suscipiendos Ordines Minores, et Beneficia simplicia; quia id jam poterant Episcopi de jure antiquo, ut docent Abbas, Hostiens.

J. l. c. et Tridentinum autem tantùm reservavit irregularitatem ex homicidio voluntario, non verò casuali publico. But may a Bishop dispense from homicide by accident, to receive the Canonry? See what is said

regarding a similar case number 402. But it is doubted whether a sudden brawl fought in case 394 would be considered a casual homicide? The first opinion affirms, and those hold thus: c. and Philib.

Henry. Reason, because murder is vo- Volume. VII. Of Censures: It is not presumptuous for a Pope to obtain dispensations for contracts entered into by homicide: DD. (see c.) it is not fitting, as is clear from the bishop, if in no way they can be avoided, if that has been committed. Trident, ubi nisi irregularitas voluntario. From the light of the soul may it please you to be made known. V.

D cum M d d n. n / A sssum. narretur..... jure quodammodo abbetur. Qui autem in rixa occidit, jam atate et ex proposito occidit, licet inopinata acriter sit, cum jam perpetret homicidium; si quis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria. Attendeth. Neither does it withstand those previous words through industry and through ambush; for Glossa in c. 1 de Homicidio explains idem per industriam, idest non casu; and the same Council declares to be understood in this way, namely, when someone kills ex sua voluntate et proposito, as opposed to the killing done by accident, of which it speaks in the second part. However, it is decidedly probable that if a Confessor be chosen as a supplement, he can be well confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary. If anyone incur irregularity through murder for self-defense, he may receive dispensation from the Bishop with him, when excess has been exceeded in the protective measure, because, since such a murder is not done out of absolute will to kill, it cannot be called absolutely voluntary, as Triduum says; thus commonly 27 n. 239. (where it asserts that St. Penitentiary understood it thus.) D. 46. sect. 1 n. 13. . 3. sect. 5. tr. 3. p. c. 13 n. 2. . 6. p. 15 § 8 n. 10. v.

Hence. Diana page 10. tract 11. Response 19. Cross p. 7 n. 476. with common, p. last n. 9. with Sayr, Val. Mark.

Heart. Henry and Avila. But prelates Regulars can dispense with their subjects regarding irregularity arising from hidden and casual homicide, as they teach, 43 from the Privilege Cap. V. Dub. Reported by St. Paul V.

S. P. P. c. 13 n. 33. so that, they say Di. 43 and even if fu. 17 et c. 7.

accession. was. næ! pensae, qu.,voluntary, because in, counted are those things which verisim. would concede, as tradition reports commun. n. 3. n. 41 cum Ugol. Candidate, and others here and there, e. In generali. Reg. 81 de Reg. Jur. in VI.

Besides, if a Penitentiary is chosen for supplementation, it can be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Penitentiary beyond a triennium, since it is odious and strict in regard to ordinary election, not extraordinary, is understood similarly. For this reason, if a Penitentiary is chosen for supplementation, it can be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Penitentiary beyond a triennium, since it is odious and strict in regard to ordinary election, not extraordinary, is understood similarly. Wherefore, even though it had been granted to all Regular Prelates, it would seem entirely revoked or limited solely for the General [case] by Benedict. Concerning Seculares however, Regulars can dispense with them in every irregularity in which Bishops can dispense with their subjects, according to the Privileges of Sixtus IV and Julius II, as we noted in number 355. Hence they can dispense with Laicis in irregularity contracted through mutilation, or through hidden homicide, as bishops can with their own subjects, as we saw in n. 381 and n. 393. Fifth Doubt: What Irregularities from defect? The first from the defect of soul. Here are the irregularities from the defect.

Amen-tes, Daemoniaci, Epileptici. Distinctius agitur de Amenitibus. De Epilepticis, et Daemoniacis. Lib. VII. It pertains to the censures of the Church and irregularities that it is proper for a Confessor to be elected as a supplement, and he can be well confirmed through another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond three years, insofar as it is odious, strict, and to be received as such regarding ordinary election, not extraordinary, is committed through industry and through treachery, as stated in 14: "Even he who kills his nearest relative by industry and by treachery should be removed from the Altar." The second opinion, however, more probable denies this, and those who hold it say: Section 44, paragraph 1, note 3, 11th Rule, number 19, when after the aforementioned words, "Cum etiam per industriam, etc." immediately adds: Whoever by voluntary act has committed homicide . . . cannot be promoted at any time. If, however, homicide has been committed not out of premeditation but by chance, or in repelling violence by force, let it be reported thus... some dispensation must be given by law.

But he who in a quarrel kills, already kills with his own will and intent,

although struck by unforeseen anger; since if after choosing a Confessor as a supplement, it can well be confirmed through another three years after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years is, if odious and strict, to be understood concerning ordinary election, not extraordinary. Neither does it derogate from those previous words through craft and by laying of traps; for the Glossa on c. 1 de Homicidio explains that per industriam idest non casu; and the same Council declares this to mean when someone kills ex sua voluntate et ex proposito, thereby distinguishing it from a killing done accidentally, of which it speaks in its second part. Nevertheless, it is very probable that if a Confessor be chosen for the supplement, he can be confirmed by another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond three years, being odious and strict, should be understood concerning regular election, not extraordinary one. Therefore, if any irregularity accrues through secret homicide in defense of oneself, it may be dispensed with by the Bishop when the measure of the protective care has exceeded; for since such a murder is not done out of absolute will to kill, it cannot be called absolutely voluntary, as says Tridentine Council; thus commonly (where it asserts that it understood so St. Pœnpotentiar.) 46 sect. 1 n. 13. 3 sect. 5 tr. 3 p. c. 13 n. 2. 6 p. 15 § 8 n. 10 v. Here, Diana p. 10. tr. 11. R. 19. Cross chapter 7 note 476. with common, page last note 9. with Sair, Val.

Mol. Heart. Henry and Avila: 35 Bishops Regular, however, can grant dispensation to their subjects in irregularity arising from hidden casual homicide, as they teach, Salm, c. 8 n. 43 ex Privilegium Sancti Pii V. related at length by the same authors; Nay, even if the crime was public, as Diana says, c. 8 n. 43 and even if it was voluntary, they defend it, n. 17 et c. 7 n. 59 cum Peirin. D. 21 s. 3 n. 3. de Reg. 81 de Reg. Jur. in Sexto.

Besides, if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood with reference to ordinary election, not extraordinary; for if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood with reference to ordinary election, not extraordinary. Wherefore, even if those things were conceded to all Regular Prelates, it seems entirely revoked or limited solely for the General [case] by Benedict. As regards seculars, however, they can dispense Regulars with confession in every irregularity in which bishops can dispense with their subdiors, according to the Privilege of Sixtus IV and Julius II., as we noted in number 355. Hence

they can dispense with Laics in irregularities contracted through mutilation or through hidden casual homicide, as bishops can dispense with their own, as we saw in no. 381 and no. 393. Dubium V. Which Irregularities from a defect? 597 The first from the defect of the soul. Hereby they are irregular H.

Amen-tes, Daemonsiaci, Epileptici. 598 Distinctius agitur de Amenis. 599 De Epilepticis, et Daemoniacis. 430 Lib. VII. Regarding ecclesiastical censures and irregularities, who can dispense in this kind of irregularity? And whether bishops can dispense from any irregularity due to a deficiency? Even in doubt?

Whether Regular Prelates can dispense from any irregularity on account of defect? 401 II. They are irregulars who are illiterate. 402 III. Neophytes. Second on account of a defect in the Body; either because the defect hinders the exercise of the Order, or because it occasions deformity. And the penalty for impediment to exercise is irregular 1. Blind. 405 II. Deaf. 406 III.

Dumb. 407 IV. Cladus. 408 V. Who lacks either all hands and fingers, or the thumb, or the index finger. 409 VI. Laboring with fever, paralysis, etc., also abstain moderately, etc. Second, because of deformity it is irregular: I mean that which lacks a member, namely the nose or the eye. What if the ears are lacking?

Leprosus. Monstruous, namely hunchbacked, pygmy, Ethiopian. Note 1. What if a defect should occur in Orders? Note 2. What if the defect has already occurred? 414 Who can dispense with this irregularity?

Why with a blind Pope? Are regular prelates? What if a bodily defect shall come about through one's own fault? And whether or not a Bishop may dispense in that? Concerning the eunuch. What if someone shall give reason for the amputation of the virile members. What if someone shall cut off his own testicles on account of some vow to be kept. And what if someone shall only attempt suicide, etc. Thirdly from the defect of birth. Illegitimate children become legitimate I. Through Marriage subsequent. 422 Whether it suffices if a Confessor be chosen for supplementation, and whether it may be well confirmed through another three years after the time of supplementation, since the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious, strict, and to be received as such from ordinary election and not from extraordinary, because if a Confessor be chosen for supplementation, it may be well confirmed through another three years after the time of supplementation,

since the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious, strict, and to be received as such from ordinary election and not from extraordinary. Might marriage have been contracted at the time of Nativity? Not.

I. What if Marriage is made after the time when the son has been ordained? Not. 2. What if the Marriage does not reach completion? 424 Not. 3. What if the Marriage is null and void, but it is unknown at least from one side? 425 Not. 4.

What if children are born from a clandestine Marriage by reason of omitted Denunciations? 426 II. The children are legitimized by Religious Profession. 427 III. By Pontifical Dispensation. The bishop can dispense with illegitimacy for ordination to minor orders and for simple benefice. Dub. 1. An ad recipientum canonicatum. 430 Dub. 2. An with a hidden illicitum. 431 Dub. 3.

Whether even for the purpose of ministering in the Sacred Orders already received? 432 Dub. 4. Whether the offspring of exposed children are irregular? Secular princes can legitimate only with regard to temporal matters. What in doubt, whether someone is legitimate? Fourthly from defect of age. Fifthly from defect of sacrament, that is to say, there are three kinds of bigamy: real, interpretative, and similitudinarian. I. What is the True Bigamy?

What is the Expositive? This happens in four ways. First mode, when one takes a widow. 438 Second mode, when one takes a woman corrupted by another. 439 Doubt 1. What if he believes her to be a virgin? Dub. 2. What if he contract it improperly? Third mode, when one knows his wife to be an adulteress. Doubt 1.

What if the adultery was secret? 443 Doubt 2. What if he contracts a marriage knowing it to be adulterous through ignorance? 444 Fourth mode, when one contracts two marriages, one valid and the other null. 445 Dub. 1. What if both were null? 446 Dub. 2. What if it was with good faith? 447 Dub. 3. What if it should happen that they are bound by marriage? 448 III.

What is the nature of Similitudinal Bigamy? Whether Clerics in Sacred Orders can also incur this irregularity? How is irregularity removed through Similitudinal Bigamy? Can the Pope dispense in such matters? Can the Bishops? Or at least with regard to Minor Orders and Simple Benefices? Is there any dispensation in Similitudinaria Bigamia? 453 Can

Regular Princes dispense with their subordinates in all kinds of Bigamia? 454 Sixth [case] from the defect of Infamy. 455 Seventh [case] from the defect of Freedom. Here are the irregularities I. Slaves. 456 II Married III.

Curiates. IV. Soldates, et Administra- tors publici, atque exercentes sæva, aut turpia. 457 Octava ex defectu) 459 Fiunt irregulares ex hoc defectu I. Who kill in war; but when? Lib. 432. VII.

On Ecclesiastical Censures and Irregularities. 460 By whom are those who encourage killing in war exhorted? 461 II. Those who assemble to pass judgment leading to death or mutilation. Moderation for itself. They cooperate. IV, 462, II. Actively.

Efficiently. Whether penitent clerics assisted at punishment? Immediately. Does the confessor, or any other consultant at the behest of the judge, offend by responding that someone ought to be punished in a particular case? Those who can be excused? Is it fitting that all those who do not converge as ministers to the proof or execution of causes are subject to punishment in particular? 466 V.

By an action ordered in its very nature to that purpose. Why it is forbidden to Clerics and Monks to intervene in a blood-related cause? They become irregulars. I. Judges. II. Voluntary witnesses.

III. Accusators, etc. What if a cleric should accuse? And what if the cause is either his own or another's? Can the Bishop dispense with this irregularity, if it had been kept secret? Is it about Regular Bishops? Annotations are made regarding the last faculties which the Holy Penitentiary has over cases, censures, irregularities, incapacities, vows, etc. « Resp. First is from the defect of the soul, from which arise the irregularities themselves. Idiots, maniacs, arreptiti, et epilectici, qui tamen si ordinati sunt et intra annum eo morbo non laborarunt, praesumuntur liberati, et permittuntur ad Ordinum exercitium.

Si vero laborent raro, et quidem sine clamore et spuma, permittuntur celebrare cum coadjutore, qui deficientibus ipsis suppleat sacrificium. M. Leo on page 372 from the seventh question of the first quatenus. Glossa ibidem. Speaking of candidates, if one who labors under such a defect has already been ordained, then altogether, upon the cessation of the defect through a long period of time according to the judgment of the Bishop (or Prelate, if he is Regular), he will be able to minister in the order received; thus: 51 sect. 1 n. 4 et 5, with Anton.

Bonaventurae, de decimo septimo, quaestio prima, periochae una, numerali unus. Sectio sexta, pagina decima, numerali quattuor. Cross 1. 7 n. 494. Cont. Tour. 1. 2 p. 30 et 79, cum Avila, Pelliz. etc. Si vero non est ordinatus, numquam poterit ordines suscipere; si amnesia ortum habuerit ex causa permanente et habituali, fundata (ut ait ., ut habetur in c. Maritum 2 Dist. 33 ubi dicitur: Non ordinandum... qui in furor aliquando versus insanivit. Wherefore it is sufficient to have once lost one's mind, because such a person is rarely presumed to be perfectly sane.

However, if madness should arise from an accident, for instance from the violence of a fever, wound, stroke, or some other passing passion, and afterwards truly cease; thus c. n. 5. Cross l.c. and Filius. The same applies if a Confessor is chosen as a supplement; it can be well confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, insofar as it is odious and strict regarding the ordinary choice, not the extraordinary one, has been said concerning cases of amentia; thus it is said about epileptics (or lunatics, and daemoniacs), for if the disease precedes Ordination, they are perpetually irregular; thus: D. 51; sect. i m. 6. Bonac.: D 7 q. 2 p. 2 n. 22. Cross l. 7 n. 495.

And it is evident from the entire Distinct. 33 and especially from c. Communiter, where it is said: "Communiter we define, as to those who are either dragged from the earth by demons, or subjected to various harassments in any way, whether they dare to minister, or intervene; except those who, dedicated to bodily discomforts without such passions, are found approved on earth: that is (as the Glossa explains there), who rarely fall." They say, however, Cabass. T. J. 1. 5 c. 19 n. 8, et 3, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa stricta accipienda est de electione ordinaria non extraordinaria. Si quis autem pubertatem hoc morbo affectus fuerit et postea perfectè liberetur, non censeatur irregularis, quia (ut ait Hipocrates) epilepsia sæpè in pubertate perfectè curatur. Afterwards, if a disease occurs after puberty, and especially after twenty-five years. Croix however asserts d. p. 495, that in his own districts it is beneficial if a Confessor be chosen for supplementation, as he may well be confirmed by another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond a triennium, being odious and strict, should be understood concerning an ordinary election, not an extraordinary one; for which reason, if a Confessor is chosen for supplementation, he can be properly confirmed through another triennium after the time of supplementation, since the prohibition against not choosing a Confessor beyond a triennium, being odious and strict, should

be understood concerning an ordinary election, not an extraordinary one. He who has been free from this infirmity during two years, on presentation of the Bishop's declaration, shall be ordained; otherwise, without declaration, if anyone is found to have been freed from it for seven years.

If however he who suffers from such a disease has already been ordained, even though he is not entirely free, if nevertheless he falls rarely (that is to say, once in a month) and does not froth, he may privately celebrate, provided that a fasting Priest brings the Mass to him due to his illness: thus commonly. n. 6 Croix .. 28 134 Lib. VII. decensuris Ecclesiast., et Irregular. 1. c. cum . Sayr. Commonly there: Those (namely, epileptics), and themselves (that is, those possessed), for a long time will be suspended from the order and place of their office, but by the discretion of the Bishop it may be found within the space of one year to have been released from the incursion of the demon. But that period of one year's space, as it is noted by Mazzot. tom. 4 p. 446. with Sayr.

Canon 6. Dict tamen cum eodem. Sayr. et 4 Dist. 33, fit sermo tantum de Ordine Sacro; sed probabilibus hoc negant alii communissime; vide infra n. 452. In hac autem irregularitate propter defectum animae, durante defectu nec praesumptum Papa dispensare potest, quia illo laborantes sunt de jure divino inhabiles tam ad suscipiendum quam ad exercendum Ordinem: Cessantæ vero defectu, si cesset antè ordinatio- nem, non possunt in eo dispensare Episcopi, quia nulla Episcopis conceditur Dispensatio in irregulari- tatibus ex defectu provenientibus nisi in duobus casibus, ut notat Cabass. l. 5 c. 19 n. 3, scilicet si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. pos- sint dispensare in natalibus illegitimorum ad solos Ordi- nes Minores, et ad simplex Beneficium, ex c. i de Fil. Priests in 6th. And the same can be with a bigamist from custom, teach St. Thomas.

Syll. et alii apud Cabb. l. c. contra 452. However, others say that Bishops are able to dispense in all doubtful irregularities, arguing from c. Nuper 29, where it is said that anything not reserved may be permitted; yet, since reservation is odious, it is not considered to have been made, when an obstacle or irregularity is not certain. Therefore, to remove an irregularity certainly contracted from a defective soul, a Dispensation from the Pontiff is required, as the Chapter teaches in V. Dub. V.

On Irregularity. Page 455, line 6, note 10, paragraph 5. D. 15 s. 1 n. 5, against Major and » II. The illiterate who do not possess necessary doctrine for Orders: * (But, surely, are all completely illiterate ones irregulars both

for those to be received into Orders and for those to be exercised in Orders?) See what is said in lib. 6 n. 791, Q. II. What, however, about the Regulars?

See ibid. Question III. * » III. Neophytes, or those recently converted, until they are sufficiently instructed by the judgment of the Bishop according to 402, (Tolemaeus however holds that after a decade a neophyte is no longer irregular, but rather, if the Bishop judges him to have made good progress in morals.) The second point arises from the defect of the body. 1. If on account of him it has been judged incompetent for the exercise of the Order, as if he were blind, deaf, lame to such a degree that without a staff he cannot go to the altar: likewise, if he be missing a hand, thumb, index finger, or eye (save only if the nail of the thumb, or index finger, or right eye be wanting; but if any deficiency in the left arm, or canonically ordained hand, or its visible function be lacking, dispensation is required); if any Confessor be elected as a supplement, he may be sufficiently confirmed by another three years after the term of supplementation, because the prohibition against electing a Confessor beyond three years, being odious and strict in regard to ordinary election, not extra-ordinary, should be strictly interpreted. For if any Confessor be elected as a supplement, he may be sufficiently confirmed by another three years after the term of supplementation, because the prohibition against electing a Confessor beyond three years is odious and strict regarding ordinary election, not extraordinary. » however deny Valen.

Henr. Sayer. If indeed it is right (that) without deformity one may read the Canon. 2. If it is such that the Order cannot exercise its power without horror, offense, or scandal to others, as if it were lacking in ears, nose, if it notably be humpbacked, leprous, paralytic, if it have superfluous limbs with great deformity: in doubt however, whether the deformity is sufficient, the bishops are to judge, at least concerning clerics; for regarding regulars this should be observed by their Prelate, contra and alii 5 cum Diana p. 4 136 Lib. VII. On Ecclesiastical Penalties and Irregularities.

Though they concede it, let the decision to depose a Bishop rest with the Prelate: yet if this one enjoys an augmented authority quasi episcopal, he may dispense from that irregularity, unless the deformity be so great as to generate scandal; then not. See Bonac. » M. Leo page 3 folio 370. And moreover resolves.

1. It does not seem irregular. 1. He who has six digits, or some joined ones, if there is no great deformity, and can exercise the Order. He who has in his eye a mark that does not prevent vision nor seriously deform. Who

lacks the thumb nail, if he can elevate a victim and break it. 4.

He who through violence or weakness became a eunuch. » 1. An hermaphrodite is irregular, because it is monstrosous. Gigas, Pigmaeus, Æthiopis; non tamen inter suos, sed alienos, ubi disparitas ludibrio est. It is necessary to discuss each individually more extensively.

From a twofold head there arises irregularity by reason of a bodily fault, either because it impedes the congruous exercise of the Order, or because it brings notable indecency or horror; thus generally DD., with an impediment to a regular exercise of I. The blind man, who entirely lacks vision from the last chapter. Difference 55. But it should be noted that if a Confessor is chosen for the supplement, he can be suitably confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, is to be understood of ordinary election, not extraordinary; so if someone already is a Priest and it is established that he cannot err, he can obtain from the Pontiff a dispensation; see what was said in law 6 n. 3go. Note 2.

If someone lacks the vision of the right eye, he is not irregular, as commonly all say; but if the left eye, as commonly Bus. and others teach above, and . 51 s. 2 n. 15. . 4 tri 6 p. 5 c. 7 n. 2. 7 n. 5oo. Tourn. t. 2 p. 39 infra n. 5 et Fill. etc. Excipitur, nisi oculus dexter esset aptus ad Canonem legendum sine magna deformitate, cui facilimè occurri potest per accommodationem Missalis, illud in medium afferendo ut dicunt Famb. de 6 R. 22 et Croix l. 7 n. 5oo cum . Yes, Avili. Dicast. et al., Et cetera, Estoquandique denomina hoc Not. 3. Si quis non sit omnino caecus, sed ita caecutiens ut non possit legere in Missali, hie praesumptum habet esse irregularis ad Ordines suscipiendo.

Whether, however, they are to be exercised in executing those? V. 1. 6 n. 3go. Note. 4. It is not irregular who is weak-sighted; such as one who needs glasses, or who views obliquely (commonly called a squinting person); thus broadly § 1 n. 3 with Sayr. Fill.

Menochio, et aliis. II. Deaf, who entirely does not hear from both ears, commonly as stated in Tom. pag. 39. Cross 1:7 n. 502. n. 218. and Turretin 6: p. 11 n. 3 with him, that the voice of a minister cannot celebrate without indecency. They deny this purification; and commonly (as we have said), the Doctors contradict them.

They concede however, Bon. 1. c. 6. n. 3 cum . that which says that if a

Confessor is elected as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond three years, since it is odious and strict in the case of ordinary election, should not be taken so strictly for an extraordinary one. If deafness supervenes upon the reception of the Priesthood; the celebration of the priesthood is not interdicted; for a defect that supervenes upon the promoted is more easily tolerated than upon the promoter, as stated 1. 6 n. 3go. Commonly, however, the Doctors teach against this, namely Tournay 1. c. c. and Croix ibid with Regina. They indeed concede, Bonaventure 1. q. 6. a. 3, that, if a Confessor be chosen for supplementation, it can be sufficiently confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond three years is to be strictly and odiously observed in ordinary election but not in extraordinary one; should deafness supervene upon the accepted Priesthood; the celebration of the Priest is not forbidden; for it is more easily tolerated when defect arises in him who is promoted rather than in him who promotes, as stated 1. 6 n. 3go. Diana, Graff. etc. III. Silentius, qui non potest loqui aut verba integra proferre, ita ut nullam possit vocem pronunciare, quia aliquid omittat, ut 9 art. 4 n. 15; vel nisi cum magna difficultas Lib.

VII. On Censures Ecclesiastical and Irregularities, they decree, as those same ones say: And the same chapter speaks about him who has completely lost the ability to speak. However, those who are stuttering or lacking teeth are not irregular, even if they articulate words with some difficulty, as Croix states in lib. 6, p. 2, n. 2222; unless they offer a cause for laughter or contempt; § 1 n. 10 cum Con. §7 IV. Claudius, qui sine baculo nequit ire ad altare, ut habetur in c. Nullus Episcopus 57 de Cen. This however is understood, as explained by the Glossa ibidem volume five.

With a staff, namely: If without a staff he cannot sustain himself at the altar; and the same is said by 15 and Palaus D. 6 p. 11 n. 3. Otherwise, a person who is lame and does not need a staff is but minimally irregular, as stated in c. Si quis, Dist. 55. Congruent nec praesumptum qui habet crura distor ta, ut quia talis defectus veste talari facile tegi potest; secùs si in hoc magna ades set deformitas. If someone, however, has an artificial foot and possesses a mutilated or withered foot, this person is irregular; thus 199. § 1 n. 17. Ugol.

If however someone is instructed with a wooden foot that has a mutilated or dry foot, this is irregular; thus 199. § 1 n. 17. However, see c. with Syl. Rosel. Majol. and Gibal. si quis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia

prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Quod si talis defectus sit modicus et aliquo modo indecentia reparari valet, permitti posset celebratio. And in doubtful state of judgment of Bishops. §8 V.

He who lacks a hand, or all the fingers thereof, or the thumb, as is stated in the last chapter concerning the mutilated body. They likewise reckon with Mol. Sayr. Avili. Reg. et aliis, de eo, qui caret indice, vel parte pollicis aut indicis, vel qui habet eos ita debiles, ut neque elevare hostiam possit, neque fracturae capere.

According to the aforementioned chapter, if one lacks the nail of the thumb or index finger, as is stated therein. If however someone has already been ordained and has the thumb hindered, in a case of necessity it might probably be permissible to administer the Eucharist with the posterior digits, as we said 1. 6. n. 244. If anyone lacks three of the posterior digits, he is presumed to be irregular; and Ugol. If one lacks only the little finger, he is not irregular, as p. 39 states with Nec pariter est irregularis qui habet sex digitos; and c. Ugol. Henry.

Sayer, autem ille sextus digitus bene potest abscindi sine periculo irregularitatis, si fieri possit sine periculo vitae: Bon. 1. c. cum eisdem. Tourn notes, p. 39, if a Confessor is chosen as a supplement, he can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood with regard to ordinary election rather than extraordinary; thus, if someone lacks an index, he may obtain a dispensation. VI. Laboring with continuous fever, not however quartana fever, light and moderate; or who suffers from severe headache; Bon. D. 7. q. 2. p. 1 n. 17.

Hoc tamen intelligendum de eo, qui non posset celebrare ob talem morbum sine proximo periculo deficiendi, vel notabiliter errandi, ut innuit idem c. 7 n. 6 cum Soto et aliis; quemcumque morbum, nisi vel exercitium Ordinis impediat vel notabile scandalum sive indecens afferat, non inducere irregularitatem. It is likewise irregular for one who labors under paralysis, as in the case of Bos. Moreover, whoever merely suffers from coughing to such a degree that there would be danger in receiving the Eucharist; Moreover, one who abstains from wine except with peril of removing it; here he would be irregular according to divine law; for neither can the Pope dispense so that the Sacred Mysteries are celebrated in but one species, as we said at 1.6 n. 106. Secondarily, there arises irregularity by reason of defect in corporal risk, when a bodily deformity

or horror introduces a great impairment, as is stated in the Fourth Book of the Decretals, Chapter on Priests, Section 4. VII.

Of censures ecclesiastical, and irregularities of clerics who are sick or otherwise due to bodily defect. Herefore the formations are irregular 1. Those who lack some member, namely those who are without a nose, as stated in the aforementioned chapter on the body that is vitiated (in Corpore Vitioso), or those who have excessively deformed members, namely very distorted, or very hanging down, or very protruding, according to Article 4, note 15. Item si alicui est erutus ocuhs, sive dexter, sive sinster, ut in c. ult. Difference 55.

They probabiliter, however, say in 1.7 n. 500 at the end and others, that this is not irregular if that deformity can be repaired by the vitreous eye. Thus too it is presumed irregular who lacks ears, unless such a defect be covered with hair or otherwise, as they say in Bus. §. 1 n. 8. Renzi t. 2 p. 670 qu. 2 2 R. 73. . 6 p. 11 n. 3 cum p. 40 cum Con. Avalle, et Pontas. II.

Lepers, as stated in your manner [modus], from where if scandal were absent, it might be celebrated even in a private place; thus. ibid., tit. c. 7 n. 56 et Bon. de Irr. D. 7 q. 2 p. 1 n. 20 cum Mol. Ugol. et Majolo. Thus equally irregular are those who have corroded lips or cut-off lips similar to leprosy; n. 11 . 9. ar. 4 n. 15. They say the same: If a confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, insofar as it is odious, strict, and to be understood in the case of ordinary election and not extraordinary, applies; indeed, if a confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, insofar as it is odious, strict, and to be understood in the case of ordinary election and not extraordinary, applies; moreover, he who suffers from gonorrhea, which appears externally: or who has a face greatly disfigured by another illness. Monstrous indeed are those who have a very enormous clubfoot, namely (as Renzi teaches on page 671, question 4, and Mol.)

Ugol. Reg. et aliis) si gibbositas vel sit coniuncta cum nimia deformitate vel debilitate, prout nequeat stare recto capite. Item dwarfs, or little men, namely so short in stature that they provoke laughter. Especially if they have a head very large, as Majol. Hear, and others Or (as he says. (Irregular) those who are so by their stature very small that they cannot stretch out their arms as is necessary for the altar ministry.

Item Ethiopes, qui apud nos risum afferrent, ut Tourn, 1. c. et Ugol. de Quàmvis hoc negent § 1 n. 24. But a color either subfuscus or rubens does no harm to the altar ministry, as the same Ugol. n. 22 states with Majol. Item hermaphroditi, etiamsi in eis prævaleat sexus virilis, ut 51 s. 2 n. 2. . 27: n. 203. (Dicunt tamen Toleti 1. 1 c. 63 n. 6. et Escob. 1. 53 n. 200, cum Corn: contra Super his notandum 1. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria., quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Si aliquis ex praefatis 413 defectibus corporis superveniat Ordinibus jam susceptis, Sacerdos non impediatur ab actibus illius Ordinis, quos potest exercere sine incongruitate et indecentia, ita ut Sacerdos cæcus aut claudus possit excipere Confessiones, canere Evangelium, etc. ex c. 7. de Cler. ægrot. ubi: ipsum autem fungi cæteris Sacerdotalibus officiis minimè prohibemur. Note. 2. Si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Si talis defectus ante Ordines adveniat, absolutorie inducit irregularitatem, non solùm ad illum Ordinem cuius exercitium impedit, sed etiam ad omnes alios, ut communiter docent Escob. 1. 53 n. 216; c. 8 n. 72 in fin.; cum Corn. et 5. c. 19 n. 15; cum Aug. Ugol. et Avili. contra Palud. et alios.

Reason, because, since all Orders regard the Priesthood, he who is excluded from the Priesthood is deemed presumptuously and by all Orders repulsed. In hac autem irregularitate proveniente ex defectu 414 solus Papa potest dispensare, v.g. ut cæcus ordinetur: Feruntque Fill. Henry et al.: 8 § 3 n. 2. [they] have reported that some Pope dispensed with ordaining a blind person, so that he might celebrate *with the aid of a skilled assistant* (However, the Sacred Congregation states according to P, Zach). Ann, ad Crux 1.7 n. 500, censuit, bene lib. 42. VII.

Concerning censures ecclesiastical and irregular, they can be dispensed even to one who is blind, and equally with both eyes, provided that he is already a priest so that he may celebrate, with the assistance of another priest. But otherwise, if a layman for whom it is not to be consulted the

Pontiff regarding dispensation for the first tonsure, nor even for receiving simple benefice, he is similarly judged according to the Decree 3, d. 3, quia the power above the Mystical Body is founded on the power above the Real Body of Christ. Thus who is incompetent for the first [tonsure] is also capable for the second. Nevertheless, Regular Prelates can also dispense from this kind of irregularity; but Bishops (as we said in no. 400) are permitted to declare or judge only in a doubtful case whether a notable bodily defect impedes the exercise of the Order, or whether a great impropriety is thereby caused, according to common doctrine (51. s. 2 n. 16. cum tr. 2). R. 73. with Miranda and others, from c. 2. de tr. 6 R. 61. with . 402. . c. n. 78. with Avilius and Pell., and Diana I thinks it probable that R. 73. with Peyr. Myranda, et Avila.

Reason, because Prelates Regular with regard to their own have Episcopal jurisdiction, to which such a judgment more pertains than to the character. But rightly it says 45. Now, as to those things that have been said, they refer to those who labor under some bodily defect without their own guilt; but if the defect comes about through their fault, for example, if someone were to amputate a limb or part thereof from himself with an evil intention, themselves they become irregular, even though the defect does not impede the exercise of the Order nor cause deformity, because this irregularity was imposed as a punishment upon oneself hence in c. Qui p. 6. Distinction 55, n. 365, in fin., declares irregular he who willingly amputates any part of his own digit. Ad hoc autem irregularem defectum incurri requiritur gravitas culpae, ut bonus Alias dicit: tanto penitus non haberet debitam proportionem cum culpa.

Others besides require that such a crime be notorious, as is stated in Session 51, note 8, page 2, and others. But more truly they deny this, 6. p. 12 n. 2. cum Garc. et c. cum Sayr. et n. 9. si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. The bishop is permitted from the c. Liceat 6. The Tridentine session 24 can dispense with it if the crime is hidden; indeed, even if the defect of the member be patent, since the Council grants to Bishops the faculty of dispensing in all irregularities arising from an occult guilt. What is to be said about the eunuch?

Resp. Who is he-4.5 chus on account of the excision of virils or testicles caused by a medical reason for disease, or before the use of reason, or on account of injury to another, here there are no irregularities, as commonly Busen says in fin. And this is evident also from chapter Si quis à Medicis 7 and c. 8 and c. 9. D. 55. It is ridiculous (he says), however, the error of

those who think that it is necessary for him who desires to be ordained or to celebrate [to carry] dried testicles with him, on account of the castration caused by a disease, or before the use of reason, or on account of injury inflicted upon another. On the contrary, he who from rash anger or indiscreet zeal cuts off his own virilia or testicles for the sake of preserving chastity certainly renders himself to irregularities, as is stated in c. Si quis 4.

Dist. 55. ubi dicitur: Si quis abscindit se, metipsum, idest si amputavit sibi virtutem, non fiat clericus. And in c. [of] Those who 5. same. Difference ibidem: Those who through ignorance of vice abstain from self-mortification cannot arrive at the clergy. Moreover in c. if anyone 7. ibid., it is said that I ought to be promoted from those who are affected by this matter and dare even to sever themselves. And on this same matter commonly teach the Doctors: that he who is permitted to be amputated from another for the same reasons, as they say and it indeed derives from c. Si quis 9.

D. 55. 44 Lib. VII. Concerning Chapters of Churches... and Irregulars. 47. But what if someone has provided a reason for such an amputation, but without his consent, as when one approaches his married wife and gives a reason so that her virility may be removed from him? 51 s. 2 n. 8 et Sed valdè probabiliter negat. Tolet. l. r. c. 62.

Conc. Doctor 18, dissertation 13, number 108. Gibal: c. 3 q. 1. Hurt. p. 12 n. 3; cum Garcia, etc. Ratio, quia (ut saepè dictum est) irregularitas, ut incurratur, debet esse expressa in jure; nullibi autem habetur, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria; quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Ille qui abscissioni causam dedit, et sine suo consensu abscissus est, fiat irregularis: verba enim illa textūs in c. 5, ut suprà, rem hanc affectam, idem significant (ut cuique patet) ac appetere sive exquirere; qui autem adulterium vult, etiamsi abscissionem praeviderit, eam non appetit nec exquirit. Praeterea, dicunt p. 12 n. 14, et probabile putant apud (qui huic sententiæ videntur adhærere) contra . et: 13 R. 11, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria; quod, si aliquis Confessarius

eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Si quis amputet sibi: testiculos, vel amputari sibi faciat ob vocem conservandam, non fiat irregularis, cum The more so if a Confessor be chosen for supplementation, he can indeed be confirmed through another triennium after the term of supplementation, since the prohibition against not choosing a confessor beyond a three-year period is to be understood as odious and strict in regard to ordinary election, not extraordinary. For if any one is deprived of his part by reason and without his consent, let him become irregular: for those words of the text in c. 5, as above, refer to this case; that is, he who seeks or desires; but whoever wishes for adultery, although he foresaw the amputation, does not seek it nor desire it. Moreover, they say, p. 12 n. 14, and they consider it probable among those who seem to adhere to this opinion—against: 13 R. 11, if a confessor be chosen for supplementation, he can indeed be confirmed through another triennium after the term of supplementation, since the prohibition against not choosing a confessor beyond a three-year period is to be understood as odious and strict in regard to ordinary election, not extraordinary. For if any one amputates himself: his testicles, or cause himself to be amputated for some reason of conservation, he does not become irregular, since this is not done out of indignation or a reckless zeal for chastity; which is required to incur this irregularity, according to d. c. He who partakes of the sixth part and c. If any one 9 Dist. 55.

The text beforehand only speak of him who amputates his own virility, not the testicles. Moreover correctly he says, § 2 n. 18 et 19, if a confessor be chosen for supplementation, he can indeed be confirmed through another triennium after the term of supplementation, since the prohibition against not choosing a confessor beyond a three-year period is to be understood as odious and strict in regard to ordinary election, not extraordinary. For if any one attempt to kill himself or mutilate himself, let him not be considered irregular; for that affects the point mentioned. Can. He who five, is understood from the consensus of the effect consequent to attention, as is evident from the context. Nevertheless the same is said 20, with Cornejo, if a Confessor be chosen as a supplement, it can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary. If anyone were to publicly attempt suicide, he would contract irregularity on account of infamy. To the Third, from defect of Natuitus, from which all illegitimates are irregulars: if a Confessor be chosen as a supplement, it can well be confirmed by another triennium after the time of the supplement, because the prohibition

against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary. This is on account of origin reputed vile.

(From c. i et fin. de 7 q. 2 p. 3. . 6 p. 9 n. 2 et Pelliz. et Cornejo.) Cap. V. Bubble... V. On Irregularity. Those however are legitimized by common law I. By "subsequent marriage between their parents," it is meant that at that time of conception they might have validly contract.

Wherefore if a woman who has been lawfully married to one man marry another while her former husband is alive, the child which she had by the former husband will remain illegitimate, according to c. Tanta. Whence it is that the children are legitimate. Indeed they very probably say with certainty: 1. 8 D. 7 n. 19. Pontifical edict, same title, chapter 3, number 2. Anacl. p. 516 n. 33. c. 9 n. 47, cum Say. Pel.

Diana, and Corn. against . 50 s: i n. 3. Tourn. t. » p. 26, sufficere ad legitimandam prolem et eam reddendam immunem à defectu natalium; si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria; quod si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Marriage could be contracted at the time of birth, as it is gathered from d. c. Tanta. Who are said to be legitimate children if a Confessor is elected for supplementation, can be sufficiently confirmed through another triennium following the time of supplementation, because the prohibition against electing a Confessor beyond a three-year period, as odious and strict it is considered in regard to ordinary election, not extraordinary; that is, if a Confessor is elected for supplementation, the children can be sufficiently confirmed through another triennium following the time of supplementation, because the prohibition against electing a Confessor beyond a three-year period, as odious and strict it is considered in regard to ordinary election, not extraordinary. For illegitimate offspring are said to exist if a man while married has known another woman: and from her he has received offspring. For indeed, the reception of offspring is not more properly effected through conception than through birth: at least in this the Pontiff certainly speaks of a child already born, when he says that he should be repelled from inheritance; therefore, since it is at least doubtful as to the doubt of law, it is not considered irregularity imposed in such a case, which (as he has often repeated) is incurred only where there is express law.

And lastly Bened. XIV, this judgment is extensively treated in a dissertation in the form of an Epistle on 6. Dominicus in insula Hispaniola illustravit, et sic de hoc casu § 3 suum sensum aperuit: In qua controversia satis ardua, cum inveniantur textus textibus contrari; cum doctores doctoribus adversentur, si à nobis judicium interponendum foret, non aliter id à Nobis fieret quòm secundum sententiam in tribunalis et curia illius religionis recepiam, in qua esset pronunciandum. In § 4, procedit ad aliud dubium, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. ita resolvit: Sed cum certum est Matrimonium inter illius Parentes contractum, incertum verò tempus, quo filius conceptus, et in lucem editus fuerit, filium hunc legitimum censeremus, cum Judex in dubio debeat in bonum, et commoda Rrolis propensus esse. Having set forth these propositions, thus I argue for the first opinion.

Therefore, if in doubt, the Judge in this 446th Book. Seven. Therefore, if in doubt, the Judge in this case from Book IV, Chapter 46 should rule on the legitimacy of the offspring, where such a case is found not decided by any Triumviral decision, when we are in doubt due to the discrepancy of Texts and Doctors, the legitimate offspring rather than the illegitimate should be judged. Indeed, it is certain that the legitimacy was established through marital constancy, but uncertain whether one must observe the time of conception or indeed birth. Furthermore, it must be noted that although the Orders were received illicitly, no injury of irregularity resulted from this sin; moreover, any previous irregularity has been removed by subsequent marriage. It must be noted that if a Confessor is chosen as a supplement, it can be suitably confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood for ordinary election, not extraordinary. Therefore, such legitimation may also be made through subsequent marriage, even if it is not consummated, for instance if contracted at the point of death, because by that very fact, the power to legitimate is granted to anyone validly married. Note 3. If a Confessor be chosen for supplement, he may well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond a triennium is so odious and strict that it is understood of ordinary election, not extraordinary. Therefore, if a Confessor be chosen for supplement, he may well be confirmed by another triennium after the time of supplement, because the prohibition against choosing a Confessor beyond a triennium is so odious and strict that it is understood of ordinary election, not extraordinary.

Children born of Marriage illicitly on account of some hidden impediment, although deemed valid at least by one Sponsor, are to be considered legitimate; thus commonly . 50 s. 1 n. 6. 3, with Pontas, and is evident from c: Cum inter 2.

Who children are legitimate: where parents are publicly known to have contracted with each other without contradiction from the Church... we declare that their children shall be considered legitimate. And the same is confirmed in q. According to the tenor. Of the same title. But otherwise, if both parents were at the time of marriage in malafide, as is stated in c. Cum inhibio 3 § si. quis de Clapd. desp. ibi: In the same manner illegitimate offspring would be considered, if both parents knowingly contracted a supposed legitimate impediment, besides every interdict and even in the sight of the Church. And in like manner it teaches . c. n. 11. Illegitimate are held to be the children born before Marriage invalidly contracted, even though both Parents deemed it valid, because no text is found approving them as legitimate.

4. Siendum notandum, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. Filii nati ex Matrimonio clandes- tino, idest sine Denunciationibus ac sine licentia Episcopi inito, etsi coram Parocho et testibus repu- tentur illegitimi, etiamsi Parentes in bona fide propter ignorantiam contraxerint ex eodem. Si quis ut supra in dict. c. 3 ubi dicitur: Si quis vero hujusmodi clandes- tina vel interdicta (scilicet absque Proclamationibus ut prius in textu explicatur) conjugia tina praesump- serit in gradu prohibito, praesumptum ignoranter, soboles de tali conjunctione suscepta prorsus illegitima censeatur. That, however, is limited s. 1 n. 1, 50, for the forum of conscience, if the Parents have employed due diligence; but justly Bossius denies that to the children of Parents who act contrary to the interdict. The Church has contracted this, as stated in the aforementioned text, and it is confirmed in chapter Cum inter. mox supra relato verbis illis, publici et sine contradictione Ecclesiae. « II. Filiī legitimantur per Professionem Religiosam; 425 » quamvis ad dignitates praesumptum in religione, v. g. Abbatiam, Prioratum et alia promotiones non possunt fieri sine dispensatione.

V. supra d. 3. (Ità ex Bulla ac Quàmvis atiunde Prælati Regulares ex aliis Privilegiis possint dispensare in irregularitate cum suis subditis illegitimi, ut probant 57 et 58. See supposed statement of number 354. III. By Papal Dispensation. The Pope is not only able to grant Dispensation 427 for illegitimate cases, but also properly to confirm presumed legitimate

election, which removes irregularity if a Confessor is elected as a supplement, well can this be confirmed by another triennium after the time of the supplement, because the prohibition of not electing a Confessor beyond a triennium being odious, strict and to be received for ordinary election, not extraordinary. All effects.

Ita comm. Sufficit de Matris legis librum octavum. D. r n. 28. c. 9 n. 50 cum tamen Episcopus possit dispensare illegittime ad Ordines Minores et ad Beneficium simplex ex c. 1 et 2 de Ac praesumptum ad Canonico-atus in Collegiatis vel ad portiones non integras in Cathedralibus vel ad alia Beneficia quibus non est Lex. VII. Of Penalties Ecclesiastical and Irregular, the annexed Order deals.

Boy. Priest: concerning these six points this is certain for all. 429. But he doubts. 1. May a Bishop dispense to receive the Canonicate in Cathedrals? They assert that the Pope verbally dispensed irregularly at session 24, chapter 12, requiring the Sacred Order for Canonicate in Cathedrals-Cathedrals, but it does not require this right now, since a cleric can receive Canonicate in Minor churches and then obtain a dispensation of irregularity within a year which the Council grants to the Sacred Order to receive.

They more likely deny it: p. 6, n. 8, p. 9, c. 34, n. 66, p. 45, n. 24. Council tome 10 page 497 note 7 and Avila, and Philib. Reason, because, if Canonicate is per se a simple benefice, yet it is annexed to the Sacred Order by prescription of the Council: hence per se it immediately requires the Sacred Order; if anyone is chosen as Confessor by way of supplement, he can be suitably confirmed through another triennium after the time of the supplement, because the prohibition against not choosing a Confessor beyond the triennium, being odious and strict in regard to ordinary election, but not extraordinary, is thus understood. But it may be provisionally received within one year; this is an indult from Trent, yet it does not change the nature of the matter greatly. 430 15. R. 21 et Avila, Barbos. Pellez, quos probabile vocant; Quia (ut ajunt) Tridentinum concessit Episcopis dispensare in irregularitatenibus ex delicto occulto (praeter homicidium,) provenientibus, non distinguendo, an delictum fuerit proprium, aut alienum.

But they rather deny it. 2 tr. 5 p. 3 n. 2. 50 s. 5 n. 5. 2 R. 64 c 9 n 53, cum et verius illud ex delicto intelligitur de delicto proprio, non alieno. 431. Dubit. 3 an Episcopus possit dispensare cum illo gitimo occulto, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de

electione ordinaria, non extraordinaria. ministrandum in Ordinibus Majoribus susceptis? The first opinion, which they hold, 1 tr. 15. p. 5 n. 2. 2 R. 64, affirms absolutely that if one has sincerely received the Order, because he has already acquired the right to minister: But even if with bad faith, it is still probable that the Bishop can dispense with him, and argue in Canon Nisi compridem de Renuntiat. where it says that dispensation can be made with someone who culpably received the Order with hidden irregularity. The second more probable opinion universally denies this, and that is what they hold. Full. tr. 19 c. 5 n. 155, et Salm c. 9 nam. 54, cum Presbyt. in 6, ubi absolutè dicitur, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria.

Bishops should not dispense from irregularity on account of a defect of natalis, except for Minor Orders; hence since an illegitimate person is incapable of exercising a Major Order, it is all the more so that he be able to acquire any right thereto. That is to say, if a Confessor be elected for the purpose of supplementing another term, it may well be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a period of three years, inasmuch as it is odious and strictly to be received, pertains more to ordinary than to extraordinary election; that which, if a Confessor be elected for the purpose of supplementing another term, may well be confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond a period of three years, inasmuch as it is odious and strictly to be received, pertains more to ordinary than to extraordinary election, even if he who has proceeded culpably can also be dispensed with; this is certain; but there it is not said by an Episcopos; therefore it must be understood by one having the power, namely the Pontifex. Dubit. 4. Whether the children exposed, whose Parents are reckoned ignorant, should be considered illegitimate and irregular? The first opinion affirms this, and such is held by tr. 19 n. 141, and Bon.: q. 2 p. 3 n. 10, along with Avila, Ugol., and Avila.

Reg. The second opinion however is more probable in negating this, and this is held by Pont. de Matr. l. 2 c. 6 n. 4, and Diana, and Pelliz., who considers it probable . 50 sess. 4 n. 5. Reason, because to fall into this irregularity requires certainty that one is illegitimate; but those who are exposed according to the exposition are doubtfully illegitimate, when parents, even married ones, expose their children through poverty. To this opinion great weight was given by the Declaration issued in the year 1591, which AA, 450, Lib. VII.

The Censures and Irregularities aforementioned refer to where the Pontiff declared in favor of the grace of the fraternity for the matters presented, that they are not to be considered illicit unless such be approved. Giballinus apud Turonem, capite eodem, licet hoc sit pro hac sententia dictum; tamen illius Declarationis parumper probare dicendum est, quia facta est in gratiam Confraternitatis; sed mihi videtur nimis probare, nam illa potius edita fuit in gratiam expositorum quam Confraternitatis. At least it should be said, if a Confessor is chosen for supplementation, he can be confirmed well by another three years after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, since it is odious and strict in regard to ordinary election, but not extraordinary, such irregularity in exposition is not sufficiently expressed in law. 433. "But secular princes cannot legitimate," except only insofar as concerns secular offices and heritages." But since there is a doubt whether anyone is legitimate, it should not be considered irregular contrary to §5g from Avila, namely, if someone is chosen as Confessor for supplementation, he can properly be confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, being odious and strict in regard to ordinary elections, should not be applied to extraordinary ones. For this kind of irregularity is not sufficiently expressed in law. Anyone shall be presumed legitimate until the contrary is proved: neither should one trust the Master himself at the end of his life without convincing reasons or even a father's assertion thereof, ibidem communi. * See said 1. 3 n. 654. * 434 The fourth case arises from defect of age, about which see in the Sacrament of Orders. * (See said lib. 6 n. 783, ad n. XI.) And n. 799.) * 435 » Quinta ex defectu Sacramenti, sive significatio- nis matrimonii, ratione bigamiae, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria, quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. bigamus non perfecte repraesentet unionem Christi cum Ecclesia, quippe qui carnem suam divisit in plures uxores.

Non sufficiunt autem ad hanc bigamiam sponsalia cum pluribus, praesumptum secuta copula; nec fornicatio, vel adulterium, vel matrimonium ratum cum pluribus: sed matrimonium verum, vel præsumptum cum duabus, et consummatum. * Ut habetur ex cap. Debitum de Bigam. 7. * Dixi, vel præsumptum; quia, licet quandoque secundum

matrimontum sit nullum, juris tamen fictione, et in interpretatione præsumitur bigamia, licet improprie dicta. Hence the following cases become irregular: 1. Who having been married either while the first spouse was living or after the death of the first spouse, Chapter V. Dub. The fifth.

Of Irregularity. "recognizes the second, even though marriage be invalid," » 2. He who takes a widow and not a virgin, knows. » 3. Qui viduam non virginem ducit, et cognoscit.

He who takes a wife previously corrupted by another, presumptuously through fornication, and knows her, yet if he himself did not corrupt her beforehand, because then there is not division of flesh into more. » 4. Qui ducit uxorem prius ab alio corruptam, praesumptum per fornicationem, et cognoscit, non tamen si ipse eam ante corrupti, quia tunc non est divisio carnis in plures. He who knows his own wife after she has been made known through adultery by another, because she herself has already divided her flesh among many. It makes no difference, even though he may have unknowingly taken a wife who was corrupted by another through adultery, or thought her to be a husband already divorced, or an unmarried woman: for this irregularity arises not from culpability but from the defect of the Sacrament's signification. » 5.

He who after a solemn vow of chastity contracts and consummates matrimony presumptuously with a virgin: because by interpretation of law he is deemed to have contracted two marriages, one spiritual with Christ, another carnal with a woman. It matters not if a Confessor is chosen for supplementation; he can be suitably confirmed through another triennium after the time of supplementation, since the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. For, if a Confessor is chosen for supplementation, he can be suitably confirmed through another triennium after the time of supplementation, since the prohibition against not choosing a Confessor beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. He invalidly contracts it; because, so far as it pertains to itself, the effect from the side of the thing is negated. Therefore, the fifth irregularity arises from a defect in the sacred sacrament, namely from Bigamy, as is apparent from the entire treatise on Bigamies. This has been derived from that which is in the Apostle's letter to Timothy, chapter 3.

It is fitting that a bishop be a man of one wife. It is said to be due to the defect of the Sacrament, because he who took two wives cannot aptly

signify the union of Christ with the Church as His unique Spouse. However, bigamy is triple: true, interpretative, and similitudinarian. And I. It is genuine when one has in succession lawfully contracted Marriage with two persons, as stated in the chapter "Praecipimus," and in the chapter "Dubium."

On Bigamy. However, both marriages must be considered consummated (and consummated according to what is stated in Marriage no. 1075, nor does n. 6, cum aliis from c. Debitum, de Bigam., where it is expressly sought after the consummation of a marriage through corporeal commixture), because otherwise the wife would not be said to divide her flesh with more than one person, unless by a completed copula, since out of two becomes one flesh commonly, in lib. 7 D. 83 n. 4. Good. Digest of Laws, lib. 7, cap. 452. Seven.

Of Censures Ecclesiastical and Irregular, qu. 2 p. 5 n. 2. 6 p. 8 n. 2. et alii passim. 437 II. Bigamy is inferred by him who, according to the law of interpretation or some fiction, is deemed to have had two wives, although in reality he has not. This Bigamia quadriplegit modis quattuor, ut docet D. Thomas: dicitur cognitam, nam si secundus vir eam non cognoverit, hoc esset secundum modum; quartus modus, quando quis ducit mulierem corruptam ab alio, ita communiter cum D. l. 7 D. 54 n. 7. And it is clear from the aforementioned chapter. D. 51, ubi declarentur Irregulari Mariti corruptarum; et ex c. Curandum dist. 34, ubi Hilarius Papa dixit: Ne ad Sacros Ordines quicquam, qui uxorem non virginem duxit, aspiret.

Thus, if anyone should wed a woman who had been corrupted before him, commonly speaking c. art. 3 ad 2 et Palao, Tolet. etc. 439 But here there is doubt. Whether he renders a marriage irregular who takes to himself a woman corrupted, believing her to be a virgin in good faith? They deny that Sa, Ledesma, and others assert in lib. 7 D. 84 n. 15, because this irregularity arises from one's own act: hence, attention and voluntary exercise of action are required for it. They nonetheless commonly and more truly affirm D. Thomas [i.e., Thomas Aquinas] 8:45 sectio 3 nummero 15. Barbos.

From. Avila, and Garcia, and where good faith does not hinder, it is permitted that the flesh of a man be divided with what is corrupted, although a virgin may be believed. 440 Doubt. 2. Whether it is irregular for one who contracts invalidly with a corrupted person on account of some impeding obstacle? The first sentiment, which we follow and adhere to, affirms this, and they hold thus: 49 sectio 3 nota 3, when Ricch and the common assent assert it, likewise Tournai and canon 9 note 31. And they prove it from chapter A nobis ult. de Bigam., where it is said: "There exists

a certain deacon who is irregular, even though he has contracted with a widow improperly, for there was no valid marriage initiated with her."

The second opinion, however, denies this and holds to it. [As stated] in lib. 7 Decretalium, n. 84, ibid., with Valentia and Corn. Henry Diana, and C. decided. Reason (as they say), because in the aforementioned text mention is made of two forms of conjugal contract, one spiritual, namely not of sacred Ordination, for when a Deacon is dismissed from the Church: and another carnal, although invalid; and hence that Deacon is declared irregular, not because he contracted matrimony with a widow, but on account of the similitudinal bimarity, as will be explained in n. 448. But it is replied that if a Confessor be chosen for the supplement, he can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years being odious and strict must be understood regarding ordinary election, not extraordinary, in which case, if a Confessor be chosen for the supplement, he can well be confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years being odious and strict must be understood regarding ordinary election, not extraordinary. In the cited text he will not be called irregular, since he contracted two marriages, rather, for he was not the husband of the widow, because the marriage was invalid, but because (says the Pontiff) it was not permissible to dispense with him as though he were the widow's husband, not on account of the defect in the Sacrament, but on account of the intention and affect followed by an act.

Therefore, the Pope did not consider the spiritual marriage contracted in sacred Ordination (insofar as the reason for irregularity is concerned), for this irregularity arises even if one who is constituted in the Sacraments leads a virgin, as we shall demonstrate in n. 448. But he declared him irregular as a husband of a widow, on account of the affection and intention; therefore it does not hinder if a Confessor is chosen for supplementation, since it can be well confirmed through another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strictly to be understood concerning ordinary election, not extraordinary. Let marriage be nothing. The third mode of incurring irregularity through a forty-fourth interpretative clause arises when one recognizes the wife after she has committed adultery, according to c. Si cujus 11 and c. Si laici 12. Distinction 34 and thus commonly. Decision 84, note 15. Sentence 49, section 3, note 16.

Reason, because a man knowing a wife taken by another is accounted as if he had married her corrupted. But doubts arise. 1. If such a man become

irregular, if adulterine intercourse has been kept secret? They deny it, and Herincx, and others, in the Lib. 454. VII.

On Censures Ecclesiastical and Irregularities. Can. If concerning whose [matter], it is said: If evidentely it has been proved that (the wife) committed adultery. They however affirm, according to the common assertion, both Gregory and Fulfill. And they hold this, even if the woman had been forcibly oppressed.

Reason why this irregularity does not arise from culpability but from a defect in signification: and although these adulteresses are not true adulteresses, nevertheless they truly divided their flesh with another and had a procreation, as it is required. Indeed, the said opinion calls the primary judgment probable because the aforementioned words would seem to clearly exclude any secret adultery if manifest adultery were evidently confirmed; yet nevertheless, the primary judgment more readily displeases me. 443 Dubit. 2. Let it be irregular who, ignorant of the adultery, knows that woman to be his wife? They deny that the Glossa states in c. 2 de Bigam.v. In bigamies, and so on, ap. 84, n. 15.

Because (as they say), knowing the wife whom he has known to be known by another does not know her rationally in this way; hence, it is not said that such a knowledge constitutes full recognition. But commonly and more truly they affirm, Bon p. 5 n. 5. et 1. cum Palud. Cov. et innumeris aliis. Reason, because (as we have said), this irregularity is not due to the reason of bigamy from a sin, but from the defect of the Sacrament, which does not require culpability. The fourth manner of incurring irregularity by interpretative bigamy occurs when someone contracts and consummates two Marriages, one valid, the other invalid. For this irregularity there is no express text, but generally the Doctors derive it from c. Nuper de Bigamis, where it is spoken about a Cleric who before Sacred Ordination contracted Matrimony and afterwards, having been ordained, contracted another one; everywhere he is said to be reckoned as bigamous, not because of a Sacramental defect in the marriage which was irreparably spoiled according to Matrimonium, but by reason of an affect of intention toward two Marriages with conjunction; thus q. 66 art. 2.

Tolet. 1. 1 c. 16 n. 4. ac. 84 n. 3, circa medium, cum Soto, S. Antonis, Valent, Sed dubitatur i. An irregularity which contrahit two marriages both invalid? They deny the reasoning of chapter thirty-eight. Additionally Avila, Conin., and Henr. maintain more probabily according to Sed. 49 s. 2 n. 11. Corn. et Sayr. ac 7 D. 84 n. 3, cum S. Anton.

Sa, Valentine. And it is proven from: c. A nobis de Ergo, that solely the affection induces irregularity. - Dubit. 2. If anyone contracts two marriages in good faith, does he incur irregularity? Denies. D. 84 n. 6, cum Archidessus ille, qui anteà uxorem duxerat et postea constitutus in Sacris aliud conjugium contraxerat, dictus fuit irregularis non propter defectum Sacramenti sed ob affectum intentionis; ergò ob crimen affectus punitus fuit: quando igitur non adest crimen non incurritur irregularitas.

But more commonly and convincingly, Sylv. affirms the same. Bigamy q. 7. Angel. same. verb. no. 9, also Jo. Andr. Anchor.

Abbreviation at loco citato in fine. Reason, because in the aforementioned text the crime of affection is not considered, but rather the affection according to the second marriage. This is expressly confirmed by c. A nobis de Dubit. 3. May he incur an irregularity who falsely contract matrimony merely to procure copulation? They deny it, Pal p. 8 n. 7. 2 R. 38, likewise Avila, and c. 9 n. 27, because then the marital affection is lacking, which is required in said c. Nuper, verbatim To, Because of the affection of intention.

But they more probabliy affirm 49. 8, 2 n. 10. Turm. p. 454 Lib. VII. Of Censures of the Church, and Irregularity. Can.

If concerning whose (adultery), it is said: If evidentely it has been proved-then (the wife) has committed adultery. They however affirm, as commonly asserted, and by Gregory and Felix. They hold that even if the woman had been assaulted by force. Reason why this irregularity does not arise from guilt, but from a defect in signification: and although these adulteresses are not true adulteresses, nevertheless they truly divided their carnal flesh with another, and had offspring, as is required. But indeed, he calls the first judgment probable because of the aforementioned words; if the adultery had been clearly proved, it would seem sufficient to exclude hidden adultery; but nevertheless, this does not prevent the first judgment from being more agreeable to me. 443 Dubit. 2.

May it be irregular who, ignorant of the adultery, knows that woman as his wife? They deny that the gloss in chapter 2 of De Bigam. states. In bigamies, and likewise in other cases, see article 84 note 15. Because (as they say), recognizing the wife whom he knows to have been recognized by another does not amount to rational recognition; hence it is not said that such a person has attained full knowledge. But commonly and more truly it is affirmed by Bonaventura p. 5 n. 5. et c. Palud.

Cov. et innumeris aliis. Reason, because (as we have said), this irregularity is not due to an act of bigamy by reason of its duplicity, but by reason of a defect in the Sacrament, which does not require culpability. The fourth mode of contracting irregularity through interpretative bigamy occurs when two individuals contract and consummate Matrimony, one validly and the other invalidly. There is no explicit text for this irregularity; rather, it is generally deduced by the DD from c. Nuper de Bigamis, where it is spoken of a cleric who contracted and consummated Matrimony before the Sacred Order, then later ordained, another marriage, who is universally considered as bigamous not because of the defect in the Sacrament, since according to Matrimonium it was irregular, but on account of the affection of intention following upon copulation with two marriages; thus, q. 66 art. 2. Tolet. 1. 1 c. 36 n. 4. ac. 84 n. 3, circa medium, cum Soto, S. Antonis,. Valent. But there is a doubt i.

Whether an illicit act which has contracted two matrimonia both of them invalid is? They deny Rule 2, Article 38. Furthermore Avila, Conin., and Henr. maintain more probabily according to Sed. 49 s. 2 n. 11. Corn. et Sayr. ac. 7 D. 84 n. 3, cum S. Anton. Sa, Valent.

And it is proved from this: c. A nobis de Ergo; hence alone the affection brings about irregularity. - Dubit. 2. Whether, if anyone contracts two marriages in good faith, he incurs irregularity? Negat. D. 84 n. 6, dum Archid. ille qui anteà uxorem duxerat et postea constitutus in Sacris alium conjugium contraxerat dictus est fuisse irregularis non propter defectum sacramenti sed ob affectum intentionis ergo ob crimen affectus punitus fuit quando igitur non adest crimen non incurritur irregularitas. But more commonly and more probably Sylvius affirms otherwise.

Bisexualitas q. 7. Angel. eod. verb. n. 9, item Jo. Andr. Anchor. Abbreviation at loco citato in fine.

Reason, because, in the aforementioned text the offense is not considered with regard to marriage, but the offense is referred to a second marriage. That is expressly confirmed by c. A nobis de Dubit. 3. May there incur an irregularity he who is thought to contract according to Marriage solely for the purpose of obtaining the union? They deny it, Pal. p. 8 n. 7. 2 R. 38, item Avila, et c. 9 n. 27, quia tunc deficit affectus maritalis, qui requiritur in dicto c. Nuper, verbis To, Propter affectum intentionis. But they more probably affirm 49:8, 2 n. 10.

Turcisen p. 456 Lib. Seven. On Censures Ecclesiastical and Irregular, 61, qu. 3, and its article, with Corn. Reason, because for irreirregularity it is

not required that affection be directed towards two marriages truly to be contracted, but suffices the affection for two marriages externally initiated. 448. It seems that the same reasoning applies to the case of a man who contracted marriage with a woman whom he believed to be virgin, about whom it was stated in n. 43g.

And the same applies to a man who ignorantly makes satisfaction for an Adultery which is hidden, or which has been forcibly imposed upon her; as stated in nos. 442 and 443. III. Therefore, a similitude of bigamy is that which is contracted through an attempt at marriage (even though it be invalid) with a woman who has been corrupted or with a virgin after having made a solemn vow in a religion approved, or after the reception of Holy Orders. For such persons are akin to those who contract double marriage, inasmuch as after initiating a spiritual nuptial bond with Christ, they sever this bond by intentionally contracting another marriage; according to the common Decrees DD. . 49 s. 3 n. 2 and 6, Anacl. p. 517 n. 42; 7 D. 85 n. 5. 36, and other passages scattered throughout c. Quotquot 23 and c. Monacho 32, 27 q. 1. While nevertheless such a marriage is considered consummated, as commonly taught at present and as stated in the aforementioned chapter Monacho: If later he shall have lived with his wife. At least minimally are those to be heard who say Hurt and Tanner quoted by the same authority, and also Abbas, Hostiensis, and D. 49 s. 5 n. 4 (who improbably considers this probable), that this irregularity is incurred only by monks who have taken vows.

For they commonly teach that even those who are priests appointed to sacred offices incur this irregularity; likewise, the same [is taught]. Auacl.. d. n. 42. 195. Tolentin. librum 1 caput 26 notam 7, et . 85 n. 5, with St. Augustine and Valentine. Gabr.

Philarch. and others besides. That is clearly proved by ch. 1. Those who, among clerics or monks, etc., where it is said that after performing penance a bishop may dispense with a deacon who has taken a wife to minister at the Sacrament; Therefore, that deacon is already held as irregular. Likewise in c. 2 of the same title it is said: that the Bishop may not permit a Subdeacon who opposes Marriage to exercise magistracy. Which, if you wish (thus he says).

But rightly it is rejected that a layman who leads a professed Monk be considered irregular in the same manner; for the laws speak thus only of him who contracts after his own vow; n. 36, when you ask here how this irregularity may be removed? 450 I say 1, if a Confessor is chosen as a supplement, it can certainly be confirmed by another three years after the time of the supplement, because the prohibition against electing a

Confessor beyond three years is to be understood with odium, strictness and severity in terms of ordinary election and not extraordinary; hence this irregularity does not cease through baptism, as commonly teach St. Thomas, d. q. 66 q. 4., n. 5, s. 10, d. 83 n. 9 et n. 37, with Corn. 34. I say 2nd thing: si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. That is to say, if aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. The Pope can dispense in that matter; And although it is said in the Canons concerning Bígamas, since Bígamas are not allowed dispensation, nevertheless this is to be understood without grave cause, as they teach in .1. 7 D. 86 n. 6. c. cum 1, when common, who thus dispensed Lucium III, according to the Gloss in cap. Lector 17 Dist. 34. It does not hinder to say that this irregularity was instituted by St. Paul, according to what is said in section 430. For it is replied, if a Confessor be chosen as a supplement, he can be well confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond three years is to be strictly and odiously received regarding ordinary election, but not extraordinary; for if a Confessor be chosen as a supplement, he can be well confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond three years is to be strictly and odiously received regarding ordinary election, but not extraordinary.

The Apostolic Constitutions, precisely as such, do not transcend human law, in so far as if a Confessor be chosen for supplementation, he may well be confirmed by another triennium after the term of supplementation, because the prohibition against electing a Confessor beyond a triennium, inasmuch as it is odious and strict, must be understood concerning ordinary election, not extraordinary. For if a Confessor be chosen for supplementation, he may well be confirmed by another triennium after the term of supplementation, because the prohibition against electing a Confessor beyond a triennium, inasmuch as it is odious and strict, must be understood concerning ordinary election, not extraordinary. Undoubtedly the Pope has all power. But the Bishop, in matters of bigamy, if it be true or interpretatively so, can minimally dispense neither from receiving Sacred Orders, nor from ministering after reception, nor from receiving benefits attached to them, as commonly teach D. Thom. Suppl. qu. 66 art. 5 et Nec obstat textus in citato c. Lector, ubi dicitur Martinus Papa declarasse: si aliquis Confessarius eligatur pro supplemento, bene possit

confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria., quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. The bishop can dispense with a bigamist, so that he may be ordained subdiacon. For they answer in section 6 n. 5 and chapter 458.

VII. Regarding the censures of the Church and having been approved by Martinus Bracarensis, collector, of many canons from various particular councils. But given that if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against electing a Confessor beyond three years, insofar as it is odious and strict to be interpreted from an ordinary election, not an extraordinary one, would have been the decision of Pope Martin; yet, considering that throughout the title on Bigamists, Bishops are prohibited from dispensing into bigamy, it seems certain that the aforementioned Canon has derogated. Except if some Confessor be chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is to be strictly and odiously understood in regard to ordinary election, not extraordinary; they say that if some Confessor be chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is to be strictly and odiously understood in regard to ordinary election, not extraordinary; which was not derogated from even during the pontificate of Pope Martin when the subdiaconate had not yet been an order of Priest. 452 But it is asked whether a Bishop can dispense with a simple benefice and a minor order if some Confessor be chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium is to be strictly and odiously understood in regard to ordinary election, not extraordinary; which was not derogated from even during the pontificate of Pope Martin when the subdiaconate had not yet been an order of Priest. They affirm. 27 qu. 3 art. 3. 1. 7 D. 86 n. 11. . 6 p. 8 n. 17, et probabile putat . 49 sect. 6 n. 5.

Reason, because those initiated through reception of Minor Orders are not irrevocably bound to Divine worship, and therefore bishops are granted permission to grant such dispensation. But they more truly deny. Citing. All. 48. n. 25. Good. D. 7 p. 5 n. 15, et S. C. Et probatur ex Trident. sedes.

23 cap. 17, ubi vetatur assumere bigamos ad ministeria Ordinum Minorum; et ex c. un. de Bigam. in 6, ubi bigami expoliantur omni privilegio Clericali; sed clarius probatur Decl.

Sixti V. apud Fagnan., lib. 1., in c. Super eo de Bigam., in fine, qua declaravit Pontifex suspensum quemdam Episcopum, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria., contulerit bigamo Beneficium simplex, et ordinatum incidisse dixit in poenas male promota. The adversaries against me approve, whence bishops may have such a faculty. In similitudinem bigamiae autem bene possunt Episcopi dispensare praesumptionem ad susceptandas et ministrandas Sacras Ordines dos, ut docent Tolel. lib. 1 c. 26. Conc. Tourn. page 66 and That is proved from chapter 4 de Cleric.

Congregation and chapter who clerics or jove. And this proceeds (as noted by d. n. 41, with Corn. and Henr.) even if the crime has been public, since this irregularity arises from a defect, not from a sin; correctly however Tournely, with common opinion, admits that such a cleric who has taken a widow or a corrupted woman to wife, or who before Ordination was united in any way to a woman, should be excused. However, Regular prelates can dispense with all buggarimia according to a privilege of Sixtus IV., n. 453, with their subjects; excepting the privilege of Paul III. (relating to) which allows them to dispense with all irregularities, including buggarimia; as stated by Palaus p. 8 n. 21 et cum Pelliz. Henry ... etc. » « Sixth arises from infamy, or from (which either through its own delict, or through that of parents, or through an ignoble condition of a person is derived) law, or from fact, provided the crime be public: for a crime from concealment does not arise, if you except homicide and violation of censure, as they teach against Sylvius et al. This very irregularity arises from a defect and from an offense coinciding with the same thing. The seventh [irregularity] arises from a lack of freedom.

Under these circumstances are irregularities. All servants properly called, and (according to Chapter 2, Title 1, Canon 8), even original ones, until they acquire full liberty remain so: A servant who is ordained to the first tonsure knowingly and without contradicting the Lord remains in that state of slavery itself, and is not thereby made free. If a servant, etc., Null Distinction [54]. Nevertheless, the Lord may manumit him with the condition that he serve in those things which do not repugn to the Clerical office, according to c. Nullus deservis non ordinis. If, however, the servant is ordained without the knowledge of the Lord, he remains a servant

unless he is constituted free. VII.

Of Censures Ecclesiastical and Irregularities in Sacred Matters; et si non superaddatur duplum a Episcopo vel ab aliis cooperantibus vel a ipsa serva; Quodcumque quando impotens est satisfacandi? remanet servus, si sit Diaconus; si vero sit Sacerdos, debet Domino inservire in omnibus quae statum non dederit, et Missas pro Domino offerre: nisi Dominus per annum scius illum esse ordinatum, dissimulet, cumque non revocet. Thus from the Canons there cited. 456. "II. Conjugal relations are irregular unless the wives consent and vow chastity. (On this matter see what has been said concerning the Sacrament.) Order I. 6 n. 8i.2.) * III. Curiates idest secularly obligated cu-riae, by reason of a made vow or stipend, as judges, advocates, etc., while they hold such offices (As is found in c. 1 et 2 et 3 D. 51. and c.)

of obligation ad ratione. However, they are nevertheless accepted by reason of a tacit concession from the Pontiff, or according to the custom of the Royal Curia, to be constituted for civil cases, as Layman teaches (64). However, excipiuntur tamen, nisi habeant speciali dispensationem Papæ pro illis officiis, uti quidam Clerici in aulis Principum, in causis civilibus, non tamen criminalibus occupati; vel nisi consuetudo sciente Papa id permittat. IV. Soldatesque tamen dummodo juramento obstricti sunt; item thesaurarii et depositarii publici, et qui sæva et turpia exercuerunt vel in causa sanguinis ministarunt, M. Leo p. 3 f. 36q. Octavo ex defectu lenitatis, scilicet ex licita mutilatione vel homicidio in bello justo vel judicio.

» If a confessor is chosen for supplement, it may be well confirmed by another three years after the time of the supplement, because the prohibition against choosing a confessor beyond three years, as being odious and strict in regard to ordinary election rather than extraordinary, is what the Church has ordained, because the Priest holds the person of Christ, who with proper leniency harms no one at all. For this, it is required that either the killing or the actual maiming take place. Under which circumstance is neither will nor serious injury sufficient: therefore it is resolved. » 1. It is not rendered irregular who maims or kills in defense of an accused honor, life, chastity, etc., presumed proximate of another, because irregularity is not established by law except for homicide in just war, or in judgment. * 2.

One becomes irregular in warfare who mutilates or kills with his own hand, but not a cleric exhorting to fight bravely in just warfare (though this may be permitted in particular cases to kill this one or that one); the same rule applies to the military leader, trumpeter, etc. Bonac. Page 4. (A clericus, si sit in sacris vel beneficatus et militet in bello, fit irregularis, si

aliquando scalpum adhibuerit in aliquo conflictu etiamsi juramentum praestaret se nullum laesisse; vide Card.) Lambert. Therefore in a just defensive war one does not become irregular by killing; thus it is stated in n. 388 and elsewhere; this is evident from c. 2 de Immunit. In the case of ecclesiastical matters and in a just offensive war, he who kills is irregular, but not if others kill; as stated in your petition, in direct contradiction, where you have signified, and in the chapter on homicide.

In bello vero injusto, si unus moriatur, omnes sunt irregulares, ut certum est apud omnes cum D. Thoma 2. 2. q. 64. a. 8. Here it is to be noted: a cleric (provided he has been in sacred orders or has held a benefice and rashly has let off bombs), if he fights, is irregular; likewise, if he takes an oath that he has not injured even one person, according to Lamb. leg. Notif. 101 n. 19. He who exhorts to killing in general, and even if the war be offensive yet just, is not irregular; thus commonly according to 7. q. 4. p. 4 n. 7., et alii passim, from what you say, where it is declared that irregular is only he who kills. What if someone should exhort to killing in a just war according to the 46th chapter? VII.

Of Censures Ecclesiastical and Particular Irregularities? But they probably contradict it, because in the aforementioned text as well as in others, the speech is made only of the west or of the mutilating, and not of the exhorting. 3. In just judgment irregularities arise who cooperate actively and effectively, and proximately, by action ordained to that end. *(According to Ne's letter, de Cooperantur, as the judge pronouncing sentence, the notary writing it down, the ministers executing it, the witnesses, etc.,* you would transcribe the sentence but not incur guilt according to common opinion, Bonac.* D. 7. quæst. 4. p. 1 n. 5 cum .

Ugolinus et idem tenent etiam de scribente. "It is said II." Actively, that is, from the part of those who are westward, because he does not become irregular who has merely possession, and from the part which is slain, as Confessor urges either to declare truth or to acquiesce in a just sentence which cannot be deferred except by an unjust appeal. t. 2 R. 99. * (Also still Tourn. pag. 78. v. It is said 7.) * 463 It is said III. Effectively, because assisting, e.g.,

"Carrying wood, so that it be burned already suffocated, does not become irregular nor an assistant to punishment if his present presence have no influence upon it." * (Itâ Suarez D. 47. Section 4, note 10, paragraph 4, note 2 Bonacina page 1. n. 18 and Salamanca. cap. 9 n. 1. with Avila, Diana, and Giball. very common, against Ne. c. ac v. Which testifies to being a common judgment with Avila and Cabass., that it does not exceed venial fault; nay rather there Navar. and Avila least of all Clerics in Minor

Orders) *. - It is said IV.

Nigh unto this, inasmuch as those who cooperate only remotely are not made irregular, like those who make swords or sell them, likewise a legislator is not considered to condense capital laws. * (From c. Delatori 5, qu. 6. Either by advising the King to bring law; or a preacher of a kind saying that malefactors should be punished; (so that with the commonality,) a confessor questioned about a criminal whether he deserves death, if he replies that I ought not to act as judge without prejudice towards persons, according to his office, because all these are merely remote causes. (This is presumed to be common among all: see note 7.) They would indeed be irregulars if they did anything or said anything in particular, from which the death of someone might follow, or the presumptuous acceleration thereof, for example, if anyone effectively urged a criminal to ascend a ladder, or aided him thereby, or if a judge in particular replied to such a person, that he ought to be struck. (Therefore they agree with Busc. c. 9 n. 8 that a confessor becomes irregular, or some other who as consul answers the judge in particular about some criminal, that one should be killed.) But they more probab ly deny this, and §. 3 - n. 7. and 8 and Hurd say so. Turrian. etc., Ratio, quia haec irregularitas ex defectu lenitatis inficta est tantum concurrentibus ad occisionem aut mutilationem ut ministris necessariis, non vero aliis, et praesertim justè occurrentibus. They add probably I say seven.

Busemb. et alii infra n. 466. nec fieri irregularem Confessarium, si moneat carnificem ut suum munus jam fungatur.) * Possunt tamen subinde praesumptive proxime cooperantes-165 tes excusari ab irregularitate, v. gr. 1. If it is done from deliberation, or merely with half-intention for turning, e.g., if the Confessor says: Let us hasten, or incites the beast with which the Defendant is being transported. 2. If the cooperation be exceedingly slight, so that if he command the accused to ascend but one degree higher; because the minimum is reckoned as naught, according to Avila, and part IV, no. 9. Item. Laym: etc. (contra Vasquez.

Tower or that a private individual unjustly, and with money. He deems that opinion probable *(Etreve very greatly probabilis est juxta Annotationem mox supra oppositam)* Hence they deny that it is regular for a confessory or any other thing whatever to incite a thief to ascend the ladder, bear the head as something to be endured in punishment. 2. Hunc, quem ad carnicem nominatum diximus, ut aliquid aptet, quo citius extinguatur reus. 3. He, while the accused is led to punishment, suggests a brief way. 4. He who sells or lends a scaling-rod, ropes, and other instruments, presumptuously making a gallows.

Who, when questioned by the judge whether he should hold the accused liable for condemnation, responded that he should be held liable. He, who signified that the one who was destined for the executioner, although already suspended and seemingly dead, was still alive, by trampling on him with his foot and thereby causing death. It is presumed with certainty. V. Through the action by its nature, etc., which of itself is the cause of such an effect: because the effect by chance is not imputed to the one who has given his hand to a licit thing. Hence it is not irregular to say: "Butcher! No one hinders you from doing your work, I have done mine * (Ità praesumptum dicunt Dico 7 et cum Avila, et Henr.) *; neither do the ecclesiastical judges degrade someone and hand them over to civil authorities for punishment; nor do clerics accuse anyone in a criminal case: merely let them expressly protest if they do not intend that a penalty of blood be inflicted; but only that it satisfies themselves or their own, or that evils imminent to them or others are prevented."

See Bonac. qu. 4 Tann. loc. cit. etc. Ex cap. de sententia sanguinis. Ne clericus vel minister velit tum est clericis in sacris constitutis vel beneficiariis et omnibus regularibus se intromittere in causam sanguinis (intelligitur unde mortis aut mutilationis sequatur) judicando vel testificando exequendo etc. Etideo peccant mortaliter si quomodolibet ad illam adjuvant. All those who attend the sentence on blood number 468 become irregular, and I. Judges, and their assessors; but not temporal lords presumptuously committing ecclesiastical matters to others in such cases, according to c. ult. Let it be noted in canon 9, no. 5, that voluntary witnesses who freely offer themselves to testify against the Accused; even if they protest, saying that they do not intend to give a verdict of blood; for if they are compelled to bear witness, certainly their excuse will be valid, as rightly is taught in section 47, no. 3, no. 4.

Palaces § 3 n. 3, et An idem dici de Advocatis et Procuratoribus Accusatoris coactis ad eum tuendum; cum iisdem. III. Accusators or denouncers (whether formal or material, namely if they exhibit complaints alone, as says Et tunc tam clericus quam laicus accusing become irregular, according to common opinion Bonac. Pinch. With this difference, if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, insofar as it is odious and strict, should be understood concerning ordinary election, not extraordinary.

Clericus, praeter irregularitatem quam incurrit, peccet mortale, si est in Sacris vel Beneficiatus, et accusat sine justa causa; vel si adsit causa, et accusat sine protestatione ut minimè tamen irregularitatem incurrit

Accusator (sive laicus, sive Clericus) qui accusat Reum tantum ut proprium damnum prae caveat, vel sibi resarcatur facta protestatione se non velle poenam sanguinis ut habetur ex c. Praelatis. Of homicide in 6. And this is the case, even if such a protestation were to be made as stated in . 47 s. 2 n. 3. Bonac p. 2 n. 11. c. 9 n. 15, . 30 456 Lib. VII.

Regarding censures ecclesiastical and irregular, as well as others. Even if a protest is made after the accusation, provided it be before the sentence: Sayr. Pellet. And . It must however be noted, if a confessor is chosen as a supplement, it can be suitably confirmed through another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election rather than extraordinary. For, if a confessor is chosen as a supplement, it can be suitably confirmed through another triennium after the time of the supplement, because the prohibition against choosing a confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election rather than extraordinary. A protestation is only suffraged in cases proper, not in others unless they are akin up to the fourth degree, according to c. 9 n. 17, eum n. 20, et Sayr. Avalonia, Filla. Ugol. 46. It is asked whether bishops can dispense from this irregularity if it has been occult?

They affirm that 9 n. 23 states, "Because Trent permits them to dispense in all irregularities except for voluntary homicide." But more accurately . 7, and . cum etc., altogether say that this must be denied, because the Council clearly speaks there only of irregularities deriving from sin. However, Regular prelates can dispense with this irregularity both in secret and in public, their subjects; for Regulars have a concession to dispense universally in all irregularities except voluntary homicide, according to the limitation given in n. 306, just as 4 R. 60 says. Villal. et alii. FACULTIES OF PENANCE. Here it is the final reward of this work to note in which cases recourse can be had to the Sacrament of Penance for absolution, dispensation, or relaxation on account of censorship, irregularity, disability, or other penalties.

In Bull, which begins Pastor bonus; issued by N. SS. R. Bened. XIV. On April 13, 1744, (in the Bullarium, volume I, Bull 95) it is stated that the Sacred Penitentiary I can absolve from any casuistic and censural matter, presumptively in the Regular Banquet Bull for both tribunals; but secular matters, both ecclesiastical and lay, in both tribunals are absolved from public censures according to law; and also from a person, if the judicial authority has ceased to exist, or if the bearer of those censures reserved them to the Apostolic See, provided that the judge and party have satisfied. If a confessor is chosen for supplementation, it may be well

confirmed by another triennium after the time of supplementation, because the prohibition against choosing a confessor beyond a triennium is, as odious and strict as it is considered in regard to ordinary elections, not extraordinary ones. If any part unjustly refuses the offered satisfaction, the Penitentiary may impose a suitable satisfaction II. To absolve heretics secretly, provided that they have not performed any external acts by which others might recognize them as such; likewise public heretics, in the case where it is not necessary to denounce accomplices.

Even to absolve Principes, administrators of public affairs, and Bishops, and other Prelates from public cases, can a Bull of the Cœna be competent. III. It is permissible to dispense in occult irregularities and incapacitations, even from voluntary homicide, yet not so that one may subsequently be promoted to the Episcopate after having committed homicide. Item etiam ab inhabilitatibus et irregularitatibus propter haeresim modo fuerint penitus occulti. IV. Non tamen ut post hanc inhabilitatem et irregularitatem possit promoveri ad Episcopatum.

To be able to dispense with murderers and others, so that they may profiteriter in a religion approved, and thereafter also to become priests. V. When promoted improperly, so that the omitted orders may be publicly accepted and thereafter even made sacred priests on the same day, not observing intervals and times, but nevertheless holy. VI. To be able to dispense with those secretly simoniously ordained.

VII. To be able to validate the titles of benefices obtained through occult disabilities. VIII. To be able to forgive a portion of the price of simony from the poverty of the offender. IX.

To wit, to remit ill-gotten gains to the Gauls, Belgians, Poles, and others; but to reconcile with the Italians, Spaniards, etc., and also to remit even to the poor. X. With respect to the French, Belgians, Poles, and those farther beyond, send back ill-gained fruits; but compose with the Italians, Spaniards, etc., and also send aid to the poor. It is possible to remit part of those wrongly taken away or retained, if the Lord is uncertain, a hidden case, and the sinner poor, by disbursing it for the benefit of the poor, or for pious works in places where that has been taken away, if it can be done. XI. Possibile est remittere partem de malè ablatis vel retentis si Dominus sit incertus, casus occultus et delinquens pauper re erogando in pauperes vel pia opera in locis ubi illa ablata sunt. Those who receive alms from Regulars may be absolved, provided that they do not exceed ten scutes; but if there is excess, it shall first be restored, or a bond given for satisfaction: XII.

With regard to girls who are no longer virgins, dispensation can be given so that they may enjoy the legacy intended for virginities; however, in secret cases, and in the forum of conscience; or with regard to virgins, so that a Monastery of penitent women may be instituted. XIII. To be able to remit oaths which are not for the benefit of another. XIV. To be able to simply dispense presumed vows of chastity by commutation of vows, or to defer the complement.

XV. To dispense by means of commutation with other kinds of prayers or other pious works in lieu of reciting the Divine Office. XVI. By dispensing through commutation to other prayers or some other pious works in addition to Divine office recitation. To dispense in occult matters with Regulars by means of any irregularities, incapacitations, and penalties; but not in public for the lack of Nativity if someone is chosen as Confessor for supplementation, it can be adequately confirmed through another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, being odious and strict when referring to ordinary election, should not be interpreted in the same way regarding extraordinary elections; which, if someone is chosen as Confessor for supplementation, can be adequately confirmed through another triennium after the time of supplementation, because the prohibition against not choosing a Confessor beyond three years, being odious and strict when referring to ordinary election, should not be interpreted in the same way regarding extraordinary elections. Generalatum; in publicis vero non nisi auditis Superioribus.

XVII. It is possible to absolve postulants from censures, provided that upon a relapse they do not return within the prefined time, with a delayed dispensation for irregularity, if they have contracted any, until actual return: It is possible to concede presumed permission, so that they themselves may pass over to another Order. XVIII. To concede the transition to a looser Religion, provided that there be there prevailing regular observance; not however to the Order of S. Benedict of an earlier observance; nor to similar Congregations of any Order. If any one is chosen as a Confessor for supplementary purposes, it can be suitably confirmed by another triennium after the time of supplementation; because the prohibition against choosing a Confessor beyond a three-year period is to be understood with odious strictness regarding ordinary election, not extra-ordinary, and this being the case, if any one is chosen as a Confessor for supplementary purposes, it can be suitably confirmed by another triennium after the time of supplementation, because the prohibition against choosing a Confessor beyond a three-year period is to be understood with odious strictness regarding ordinary election, not

extra-ordinary.

Moniales ultra montes. XIX. To have the capability to absolve and dispense regarding deficiencies and censures presumed due to the violation of enclosure. XX. To be able to absolve and dispense concerning defects and censures supposed due to violation of closure. Item concede Confessarii Monialibus, (vide dicta de hoc l. 6 n. 576.) XXI.

When the Apostolic See is vacant, to have the presumed faculty in the forum of conscience regarding cases from which living Pontiff could not; yet with a recurrence, if those seeking a new Pontiff do not present themselves, then this faculty shall pass to the Signature upon the Cardinal Penitentiary's entry into Conclave. Another thing pertaining to the material of Marriage, see l. 6 n. 114. Another less necessary to observe is discernible in the cited Bull, Pastor bonus. Finally note this: if a Confessor is chosen as a supplement, it can be well confirmed by another three years after the time of the supplement, because the prohibition concerning not choosing a Confessor beyond a three-year period, insofar as it is odious and strict, should be understood with respect to ordinary election and not extraordinary; for when Letters of the Holy Penitentiary are committed to the Master of Theology, or Decree-Chapter V. Dub.

V. On Irregularity. 469 rum, whether those designated as Confessors of the Society of Jesus by the General or Provincial with permission thereof, may exercise these functions, as granted on April 3, 1582. And likewise can the Jubilated Readers of the Order of Minors exercise this according to the concession of Innocent XI on 27 November 1679. And consequently, the same applies to all Regulars who are privy to their privileges: so it is said. Praise to Jesus our Redeemer, and to Mary the Immaculate our Queen and Mother; ELENCHUS OF QUESTIONS Which the Author, after revising those matters pertaining to careful scrutiny in the first Naples work edition, reformulated.

In cada una de estas Quaesiones primero se anota el lugar del libro en la primera edición, y después el lugar de la segunda edición, donde se efectuó la corrección. Question 1. Can a legatee possibly compensate for the legacy left him in the non-solemn testament? In the priori book (col. 13 vers. 3 Probabile praesumptum), it is reported that the opinion was given who said this probable thing. But in this present book it is condemned.

See L. 1. n. 35. Questio 2. Does a debtor, who gives something to his creditor without remembering the debt, excuse himself from restitution? In

the preface book (col. 13 v. Hence I.) it was reported that the opinion of Rebelli, Cardinal and Dianæ was held to be a probable affirmative opinion.

But see the limitations in this book, I. n. 34 and l. 3 n. 700 v. Qu. 2. Quesitum est: 3 An fur mittens Domino rem furatam per vi-rum fidelem teneatur ad iterum restituendum, si ille non reddat? in praemio libro (col. 14 v. IV. Similarly, and Gabriel is brought forth who denied it.

But this is absolutely to be affirmed without doubt. See vol. 1 note 34. Q. 4. Is there an obligation to give alms from superfluous goods to the poor who labor under a common poverty? In the book On Rewards (column 8, letter o).

The opinion of Solinus and Antoninus has been referred to [in] the second book, note 32, version [or: page] v. It is asked. Question 5. Whether there is an obligation to correct one who commits a sin through ignorance according to human law? In the treatise on rewards (col. 83 letter).

A. v. Question Nonehere: The opinion in question appears more probable [or plausible] negatively. But in this case the affirmative opinion appears more probable; see book 2, note 36. Que. 6. Quisquis inducit, sive directe sive indirecte proximum ad peccandum, semper peccat per peccatum scandali?

In the book Praemonstratio (col. 85 lit. A. It was said with probability that if a Confessor is chosen for supplementation, it can be well confirmed by another three-year period after the time of supplementation, because the prohibition against choosing a Confessor beyond a triennium, insofar as it is odious and strict, should be understood regarding ordinary election and not extraordinary; hence, unless one expressly intends the spiritual ruin of another, this does not contravene gravity. But herein has been seen the true affirmative judgment; see l. 2 n. 45. Q. 7: Whether the circumstance of induction to sin should always be explained in Confession? In the Preambulum (col. 86 v.). Note. The negative sentiment is rejected.

But in this see said [or: what is stated] in L. 2 n. 46. Question 8. Whether it is a mortal sin to petition someone for something if, upon being chosen as a supplement, a confessionary can be sufficiently confirmed through another triennium after the time of the supplement, since the prohibition against not choosing a confessory beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary; that is, if someone is chosen as a supplement, it can be sufficiently confirmed through another triennium after the time of the

supplement, because the prohibition against not choosing a confessory beyond three years, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. That one will not provide without mortal sin if he already be ready to sin? In the preface book (col. 86 v. Question None

II.) The opinion of Soli was related., 2 n. 47. Question 9. Does a grave sin appear to women when they show the sore part of their breast? In libris praemorum (col. 89 lit. C. and col. 250 in fine) it was stated regarding this point following the teaching of Laymann, Cajet. . 2 num. 55 v.

Question... Question 10. May a servant accompany Herr with a litter to the hunt, or lead him in a carriage or on horseback? In the book Praemum (column 94 letter). B.) it was reported the opinion of Busembai; see vol. 2 no. 64.. Q. 11. Whether it is permissible for a servant to offer gifts on account of his servitude to a prostitute in place of the Lord?

In the book Praemio (at col. 94 at the end of Question 2), it was reported the opinion of Busembai, and... But in this it is denied; See vol. 2 no. 65. Q. 12. May a servant be subjected to fear of death in order to bear his shoulders, or to carry a ladder for the Lord ascending to fornicate, or by force to open the door? In the treatise on reward (column 95.2 n. 66 verso. Qu IV.

Questio 13. Whether it is licit to sell wine to him who sells it mixed with water? In the preface book (v.). Likewise, the affirmative opinion was adopted by Palai, 2. n. 69 v. Chapter Seven.

Qu. 14. Is it permissible to sell ornaments to a girl who has lost them? In the treatise on penalties (column 96 littera). Doctor vel. In the same place is cited the opinion of La Croix citing.

But in this, it is not admitted unless the seller noticeably suffers inconvenience. See vol. 2 no. 71. v. Eodem. Questio 15. May it be allowed to drivers and sailors for the sake of gain in wages to transport a prostitute to Amasius?

In the book In Preambulo (col. 98 v. 8. . 1. 2 n. 75 v. But moreover. Question 16. Is it a mortal sin to ask for a loan from a Usurer ready to lend without a grave cause, or to request a Sacrament from a priest prepared to administer in a state of sin? In the preface book (col. 97 n. 4 v.

Whether however, and n. 7 v. But the question. The opinion of Lughon,

Sothi, 2, n. 47 et 77 v. 4 has been referred to. Permissibility, speaking of the Usurier; and n. 79 of the Sinner Priest. Question 17. May one, who is willing, break the fast by providing food without causing serious inconvenience?

In the preface book (col. 97 n. 7 v. (The one who is willing.) The opinion was brought forward and Vasquez affirms those who hold this view. But in this has it been condemned; V. 1. 2 n. 80. Question 18. Is it possible to derive an antedotal obligation from a pact concerning the material aspects of simony and usury? (In the book on precepts, col. 118.)

A. v. Question Noneat the end) it was stated with . V. 1. 3 n. 53. and n. 764.) Qu. 19. Whether an execrable vow be a true vow? In Praeemodi libro (col. 146. lit.

A. v. It must be noted: it was said with reference to chapter 1, verse 3, note number 143. Question 20. Is mortal lying present in an assertory oath with a deficiency of justice? In Preambulum libri (col. 148. lit.

It was said that a venial sin is only more probable. But in this, there is added what makes it mortal, if one swears to sustain a detraction; V. 1. 3 n. 146. Question 21. Whether a Bishop of a particular place can dispense with vows, oaths, and laws to a foreigner where they are found? [from] preem [col. 758. lit.] And when can a bishop dispense with vows, oaths, and laws for a stranger in his own diocese? According to the Praemonitery Book (column 758).

Note here: this is entirely denied. But see here chapter 1 note 158. Question 22. Whether a husband may kill him who desires to commit adultery with his wife? In the treatise on reward (column 239 verso.

It must be said: that is absolutely negated. But in this, it is not condemned if a man before the deed dies, that adultery may not occur; V. 1. 3 n. 391. v. When. Q. 23. An peccant graviter spectatores qui ad comœdiam turpem concurrunt pecuniâ vel plausu i in praemo libro (col. 251 v.

Question 2.) It was said that it is improbable for secondary spectators to sin by attending a turpulent comedy with money or applause as a reward in the In praemio book (col. 251 v.). But herein has the opposite been seen: V. 1. 3 n. 427. v. Whether, however. Question 24. Whether a Beneficiary spending superfluous fruits of the Benefice for his sustenance in profane uses is bound to make restitution?

In the treatise on reward (column 270 recto. Whether however [it is so]? We said the contrary to be more probable, speaking per se; V. 1. 3 n. 492.. Q. 25. Whether a thief should be held to restore with greater damnum, namely if the thing could not be restored to the Lord unless expenses greater than the value of the thing were incurred? In the treatise on reward (column 295, lit.). B.) the opinion was brought forward that of those who deny it.

But in this it is opposed, unless expenses far greater be incurred; V. 1. 3 n. 598. 697. et 753. Question 26. Si quis accipiat rem a fure, qui rem furatam cum suis perversis habuerit, tenetur ad suam restituendam? In the treatise on reward (page 299, line). B.) was brought forth the negative opinion . and to others.

But altogether this is condemned. V. 1. 3 n. 612. Questio 27. A beneficiary neglecting the Office for one day can be excused by an explanation, if he makes reparation on another? In the libellus In praemio (on page 310 at the end.

QUESTION 5) It has been affirmed the opinion of Salmantica. Molfes. V. 1. 3 n. 667. Question 28. An Beneficiarius omittere parietem Officii minorem quam integrae Horae tenetur ad restitutionem?

In the book Praemio (column 311 question 5) is reported a negative opinion. And. But in this matter the opposite has been found more reliable; see 1. 3 num. 668. Question 29. Whether a simple beneficiary omitting the Office be bound to restore all the fruits of the Benefice? In the first book of the treatise [on Benefices] (column 312, question 10, view).

Volume V, page 1, number 3, note 673, verse. What. Questio 30. Whether it be lawful to receive a gift from a donor burdened with just claims? In the treatise on reward (column 327 lettered).

B.) there was expressed an affirmative opinion . . 1. 3 n. 722. Question 31. Necessarium est ut sit mutuum ad exigendum de jure tituli, qui iam deferat? In the treatise on reward (col. 343 lit. E. v.

But there is doubt; it has been handed over to a negative opinion. But in this respect the affirmative view is more correct; see 1. 3 n. 760 v. But there is doubt. Question 32. Whether one who has changed may retain the profit from a loan if there was a just title present, but he did not warn about such a change and contracted in good faith? In the treatise on Usury (page 394).

III.) the affirmative opinion has been brought forward (although as less probable); but in this it has been refuted; V. 1. 3 n: 773. Question 33. Is it permissible to sell very many precious things? In the treatise on reward (column 355 letter). D.) it was reported an affirmative opinion in Sot. 1. 3 n. 807.

Question 34. Whether, given an unjust monopoly from the merchant's part, it is permissible for others to sell goods at the same price? In primis libri (col. 357 lit. G. v. But henceforth has been reported the affirmative opinion of the Reg.[1]

Volume 1, page 3, note 817, version V. But here. Question 35. Is it permissible to purchase something at a very low price from someone who is unaware of its value? In the treatise on reward (column 357 letter).

H. v. The same. I have embraced the negative opinion. But here is defended the opposite; V. 1. 2 n. 829 v. idem. Question 36. May a cleric convey alien lands for use in feeding his own animals, so that later he may sell them?

In the treatise on precepts (col. 361 v. You will inquire: It has been said that this is permitted, if leading the alien property does not cause great distraction from the sacred ministry. But this is not admitted in this, because there will not arise a lowly desire to be removed: V. 1. 3 n. 835 v. And indeed. Question 37.

Is a census deemed extinct when the subject perishes, may the census perish according to the law of nature? In the treatise on reward (col. 366 v. qu. 3.), it is stated a probable negative opinion with Soto; cf. I. 3 n. 847. Question 38. Whether a compelling injury can so constrain another as to prevent it from gaining profit? In the book Praemunire, page 375, line 1.

D.) the negative opinion has been brought forward. But in this, the affirmative judgment has been deemed more probable, provided that he who reasons does not appear to be coerced by skill at play; V. 1. 3 n. 880. Question 39. Whether there is a grave obligation to leave one's goods to one's Brothers and Sisters? In the libellus In praemio (column 398 littera).

B.) was mentioned the opinion of Salamanca that dissents do not occur except when there is an extreme necessity. But in this we have said must be absolutely held: to leave good things behind grievously sinning and giving them to strangers, if Brothers grievously stand in need; V. 1. 3 n.

946. Question 40. Whether it is licit to reveal another's crime in order to avoid one's own damage, if knowledge of the crime be obtained by force or deceit? In the preface book (col. 407 littera).

A. v. But this.) is a probable affirmative opinion with . and P. ; V. 1. 3 n. 969 v. But here great. Question 41. He who has inflicted a hidden contumely upon another is bound to make satisfaction?

In the book Preambulum (column 410 v. But seek. 1.) The negative opinion has been reported. But in this we have said altogether to follow the affirmative? See 1. 3 n. 985. Question 42.

If损害您的请求。 In the first book of the Præmo (column 419, letter). F.) A negative opinion was brought forth, but in this statement, it must entirely be held contrary; V. 1. 3 n. 1019 Question NoneII. Q. 43.

Can chocolate be consumed as often as desired each day? In the treatise book (col. 425 v. It is affirmed by the opinion of the Father as probable. But such a measure is not admitted in this, except for one cup only per day, on account of the custom: V. 1. 3 n. 1023 v. Second at the end.

QUESTION 44 Whether a Religious, exercising a general license from the Prelate for illicit uses, sins against poverty and is bound to restoration? In the libellus premo (column 450 littera). E. v. Second Question.) It has been called a not improbable negative sentiment cum de 873

Qu 45. Whether a patron should present more worthy persons for the benefit of the curacy? In the book of reward (column 469 letter. A. q. 2.) it was said a probable negative opinion with Palao, Garcia, P. 1. 4 n. 97. Question 46.

Whether an episcopal office holder conferring a simple benefice on someone unworthy sins mortally? In: praemo (col. 29t Question 2.) delatum est sententiae negativæ cum V. 1. 4 n. 93. Question 47. Si episcopus conferens beneficium curarum minus digno, tenetur ad restitutionem? In the first book (col. 292 v.

(Nomore) probable appeared the negative opinion of Navar. Henry V. 1. 4 n. 109. Question 48. Who gravely sins and is held to restitution, he who receives the Beneficium curatum with a doubtful mind, or conditionally accepts the Sacerdotal office within less than a year?

In the preface book (col. 471 lit. A.) was brought forth the negative

opinion. But in this regard, what was seen as worse is now considered better, whether the mind be doubtful or conditioned; V. 1. 4 n. 114. Question 49. Is a plurality of benefits forbidden not only according to canonical law, but also presumed naturally?

In the book Praemos (column 473. lit. A negative probable opinion was expressed with Lugo and Innocentius, etc.; but we decidedly held an affirmative view in this; unless a Pontifical Dispensation should come, and there be just cause: See book 4, note 117. Question 50. Whether it can be permuted from Divine Office to another notably shorter one without a grave sin? In the first book [of the Decretals] (column 494, littera).

A.) It was held that the opinion affirming this is probable, except for the Office of Palm Sunday with the Office of Pascha or Pentecost, as Sylvester holds. Salmon: V. 1. 4 n. 161. v. Question NoneIII. Questio cinquiesima.

Can the Matins be recited two hours after midday? In the first precept (col. 496. lit. D.) The affirmative opinion stated is probable with . . . 1,4 n. 174. Qu. 52. Si peccata multiplicentur ex diversitate objectorum totalium, puta si quis uno ictu occidit quatuor homines?

In the book Praemonstratio (column 564a). But the aforementioned opinion has been held probatively negatively with Suárez, Lugo, V. 1, 5 n. 45. Question 53. The Confessor by successive mortal absolution of several Penitents commits one sin (col. 563). II.

Regarding the act.), it was deemed a more probable opinion that . . 1. 5 n. 50. Q. 6. Qu. 54. Can one dissolve a friendship with another by narrating his natural attractions without infamy, so that he himself might succeed where the expelled one was? In the preface of the libellus (column 576. letter).

The affirmative opinion of Prado was reported; however, in this it has been opposed; see 1:5 n. 72 v. Prior to. Question 55. Is it permissible to drink excessively: according to the advice of the medical authorities, if intoxication is considered necessary for driving out the illness? In the treatise on precepts (col. 577. v. 2.

The affirmative opinion of Busemb. and others has not been brought forward. But see how limited it is, 1. 5 n. 76. What. I. Question Fifty-six. Whether it is permissible for someone to intoxicate himself in order to avoid death which another threatens him with?

In the preface book (col. 578. lit. C.) it was affirmed that the probable opinion of Lessius, etc., was positive. But herein I have adopted the negative; See 1. 5 n. 76. What. H. Question 57.

Who may be satisfied who confesses his sins at the time of Mass? In the treatise on precepts (column 219). Ques. 2.) the affirmative opinion was held by Palai, Hurtadi, La-Croix, Pichler, Y. 1.3 n. 314. Q. 58. Whether it is licit to receive something for sustenance before entering a monastery, if said monastery be opulent?

In the first part [of the Summa], (column 130 v. But it is disputed.) It has been reported the affirmative opinion... See 1. 3 n. 92. v. Second. Question 59. Is the water of the Sacrament of Baptism to be considered abominable when it is said in action: Te baptizo?

In the first edition (col. 585 lit. A.) affirmatum est. But this has been demonstrated: it is sufficient to provide confirmation through another triennium after the time of supplementation, if a Confessor is chosen for supplementation, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood concerning ordinary election, not extraordinary; hence, the form must be presented before the matter is desisted from applying. See l. 6 n. 9 v. It is queried. Questio sexta.

Whether all the matter and form of the Sacraments have been determined specifically by Christ? It was denied in the prior book (col. 804 Qu. 2). But in this second inquiry, the opposite appeared more probable, l. 6 n. 12. Q. 6i. Inferet graviter ministrans sacramenta in mortali etiamsi ad illud ministerium specialiter ordinatus non sit vel solemniter ministret? It was denied in the prior book (cols. 594 and 595). But here it is affirmed, l. 6 n. 32.

QUESTION 6 a. Whether a priest sins gravely when ministering the Eucharist in mortal sin? Prior book (column 655, verse. But the probable opinion was held to be negative. But we refute it here; see reference 6 note 35

Questio 63. Whether a minister could give a sacrament to an unworthy person out of fear of death? In the prior book (column 595. Dub. 5.) it was considered probable the affirmative judgment. But we hold the negative view; see page 6 note 49.

Que. 64. A clericus habitus in vitio turpi vel alio, volens ascendere ad

Ordinem Sacrum, possit absolvi ex simplicibus signis extraordinariis, tantum sufficientibus ad Sacramentum Poenitentiae suscipiendos dum? It was affirmed in the prior book, column 598. Here you ask three. But this is denied, unless very extraordinary signs come, which positively demonstrate the integrity of one being ordained; see l. 6 in Q. 65.

Is it through merely manual imposition that priests are ordained? Prior book (col. 806. lit. F.) we denied. But we consider this affirmatory judgment to be more probable: cf. p. 6 n. 749. Question 66.

Whether a moribund who has already received Communion may on the same day take Viaticum if sickness should approach? Prior book (column 668. lit. We have said that the probable opinion is both affirmative and negative. But here we distinguish whether the disease is natural or violent: see l. 6 n. 285 Dub. 3. Question 67.

Whether a priest negligently speaks the Sacred instead of the Missed, having accepted a small stipendium, gravely sins? In the previous book (column 676. lit. C.) we said probable negative judgment. But we adhere to the safe affirmative statement 1. 6 n. 317 Qu. III.

Question 68. Can an Episcopal bishop moderate the number of Masses prescribed by the testator? In the prior book it was said that it is possible, if fruits congruent are not perjured (col. 680. lit. F.) But this is denied; 1. c. num. 331 Dub. 1. Q. 69: Whether it is permissible to privately celebrate at the Lord's Supper?

In the previous book we adhered to the affirmative opinion; (column 687. letter. E) But here we say absolutely to be held the negative one (I. 6 n. 350.). Question 70. If an altar loses its consecration, should it be discarded if the Seal is broken, or if the Sepulchre with Relics is removed? It was deemed probable in the first book [prior to the discussion] not to lose, (column 693. lit. C.) However, we hold that what is opposed to item 1, number 6, note 369, against note 3, Dubia 2, is to be considered probable.

Question 71. Is it sufficient two maps on the altar, or one doubled? In our previous work, we affirmed (column 697, lit. C. But we say that this must be held as contrary; 1. 6 n. 375. Question 72.

Can a lotion of bodily water be projected to another place than to the sanctuary? It was said in the prior book that it is sufficient if it is projected into a suitable place; (col. 699. lit. But we prove otherwise; in book 6 number 387. Question 73. Can abbots consecrate chalices for alien

churches?

The affirmative statement is reported in the previous book (col. 699, lít. B. at the end). But we hold the opposite; book 6, no. 381. Qu. 74. Should a pyxis be blessed? In the prior book, it has more negatively reported the sentential opinion, (col. 698. l.

But here we establish the opposite, 1. 6 n. 385. Q. 75: Si post summationem Sacerdos prudenter dubitat, num vinum fuerit acetum; an rursus consecrare debeat utramque materiam sub conditione? We approve here what is to be affirmed, 1. 6 n. 206v. As to that. Whatever has been said in the prior book, if it is correct.

Question 76. From whom should confessors' declarations be approved by the bishop? In the aforesaid book (column 247. lit. E.) It was said that a Confessor or Penitent may presumptuously approve them with probability, by the Bishop. But in the aforementioned place (n. 548) we say absolutely to be approved by the Bishop of the place.

Question 77. Is the confessor consulted from the confessional bound by the seal? Prior book (column 776. letter G.) We said that he is probably not bound: But we oppose this to you 1. 6 n. 648. Question 78.

Whether a mute ought to be held confessed by means of writing? In the prior book, a probable view saw the negative sentiment, (col. 726. lit. B.) But this we say, him to hold as mute if it can conveniently be done; 1. 6 n. 479. v. Qu. Qu. 79.

During the Jubilee Year, should the confession be made in the same week as the works are completed, so that the penitent can be absolved from reserved sins? In the prior book we have adhered to the negative opinion? (col. 743, lit. But we hold the opposite; see no. 2, p. 6, n. 537. Question 80. Whether one who has confessed invalidly in the Year of Jubilee can subsequently be absolved by anyone?

In the prior book it is reported the affirmative opinion: (col. 743 n. 1.) But we sustain the negative; 1. 6 n. 537 v. Which. II. Question eighty-one. May a parish priest from another diocese receive the confessions of others with the permission of that other parish's priest?

In the prior book we have affirmed; (col. 746. lit. B.) But we deny this; 1. 6 n. 544. Question 82. Whether a simple priest can absolve a dying person, provided that an approved confessional be present? Prior book (column

752 lit.

D. has been reported the opinion which we hereby reject; 1. 6 n. 562. Question 83. Whether one incurs a penalty by ignoring the reservation of a Episcopal case? In the previous book we said the probable negative opinion, (col. 757 lit. But we hereby disapprove of it; 1. 6 n. 581.

Question 84. Are they bound afterwards to present themselves to the Bishop in a case of necessity indirectly reserved from sin, having no faculty thereof? We denied a priori in the earlier book; (col. 936. v. But moreover.) Nevertheless observe the distinction drawn in 1. 7 n. 91. ## Elenchus Questionum Qu. 85. Whether, if a Confessor errs culpably regarding the value of the Sacrament, he is bound to admonish the Penitent about the presumed error with his own great inconvenience?

We said in advance the probable sentence negatively; (col. 766. l.) But we hold this one affirmatively; see Book 6, note 619. Question 86. Can a penitent pilgrim be absolved from a reserved case at a simple confessional only in the place of confession, and not in the homeland? The affirmative opinion is found in the earlier work; (col. 758. at the end v.

It is asked whether. But here we refute it; 1. 6 n. 588. Question 87. Whether he who has confessed to a Superior and forgotten what was reserved remains directly absolved by him? This is denied more probatively at 1.6 n. 597. Whatever has been stated in the previous book is declared.

QUESTION 88 Whoever is ordained to incur a suspension who has given his heritage to the Patrimony but with antapodea provided, or with a fiduciary obligation towards the donor? In the prior book, it was stated that the negative opinion is probable (col. 829. 2.). But here, section 1, chapter 6, note 822, observes the distinction to be observed, namely whether or not the donor had a true, or otherwise, will to give. Q. 89. Whether one who has contracted betrothal with one woman and then marries another—whether that other be dead—is bound to marry the first?

It was stated in the previous book probably not to be bound (col. 845 lit. But this contrary is sustained 1. 6 n. 875. v. It is asked. Q. 90. If anyone fictitiously contracted Marriage, whether it suffices for this to be revalidated if a Confessor is chosen as an addition, and well confirmed by another triennium after the time of the addition, because the prohibition against not choosing a Confessor beyond three years, insofar as it is odious, strict, and to be understood of ordinary election and not

extraordinary? For himself alone shall consensually appoint this?

Here the affirmative judgment of n. 1114 is said to be more correct; although in the prior book (col. 899 v. Hence it is inferred; it was not admitted. Question 91. Whether there is no dispensation over an impediment of affinity if the copula between them preexisted in silence? The negative opinion appeared more probable a priori; (col. 904. v.

Question 3.) Sed hic 1. 6 n. 1134 omnino rejicitur, etiam si copula non fuerit habita ad facilitandum obtinendum Dispensationem. Questio 92. Whether a simple priest can absolve from venials, and from minor excommunication? In the prior Book (col. 746 littera). And column 928 verse.

Certum.) The affirming opinion, although it has not been admitted, has nevertheless not been entirely rejected: But this is entirely rejected according to the Decree of Innocent. XI. Q. g3. Is an absolution from the Bishop in a case necessary for a papal impediment on account of a temporal obstacle excused by not going to Rome, if the party has already fulfilled satisfaction? It was stated in the previous book that he is probably excused, (col. 933 Qu.

III. at the end) But this must be held entirely, note 87. Question g4. Whether one who has incurred a public papal censure, having been punished by some bishop, can be absolved by another? In the prior book, an affirmative opinion appeared probable (col. 930 v Hinc, infra Dub. 1.) But here we say the contrary to be more true, 1. 7 n. 77. Questio g5.

Whether bishops can absolve from secret papal penalties outside of Confession? In the prior book, an affirmative opinion is reported (col. 942 ad n. 8). But here in chapter 6, note 593, we refute that other one from the Declar. Gregorii XIII. Qu. g6. May a response be written to the excommunicated?

It was stated in the aforementioned book, this is probably permissible, (col. 964 lit. But here we deny what is stated in paragraph 7 note 193. Whether, however, it is permissible to reconcile one who has been excommunicated? In the prior book (column 965. Dub.

II.) We have said that the affirmative opinion is absolutely probable: But here we judge the opposite of the probable to be more probable, although we do not condemn the first one. Q. g7. Whether a duel can be accepted so as to avoid a great and certain loss of goods? Whatever duel is with . 970

lit. An Not.

I.) Today this opinion has been condemned by Blessed [one]. XIV. see 1.3 num. 400. Proposition. IV. Q. g8.

Can parents compel a girl to enter a monastery for educational reasons? In the prior book (col. 983 in princip.), the probable opinion was affirmed: But here the l. 7 n. 212 absolutely appeared more probable as opposed to it, unless the girl be in danger of incontinence. ## Menchu Qaastianum Qu. 99. Incurret irregularitatem ratione bigamiæ, qui contrahit duo Matrimonia nulla, vel qui-ficit secundum Matrimonium init ad copulam extorquendam? Here we say that it must be affirmed, 1-7, n. 446 and 447. Whatever was said in the preceding book.

Others add more recent Retractations of opinions, which were reviewed in the preceding edition. What. I. If anyone probingly judges himself as having probably fulfilled his vow, whether through Canonical Hours or penance, is he bound to satisfy them if it is still probable or doubtful that he has not fulfilled them? Several Authors deny it 1. 1 n. 76.

But the contrary must be held, because the obligation already contracted prevails until it has been certainly fulfilled. Seek. II. Do the Declarations of the Sacred College of Cardinals have the force of law? Plures AA. negant, nisi edite sint, non solùm consulto Pontifice, sed praesumptum mandante, ut ipsæ solemniter per totam Ecclesiam promulgentur 1. 1 n. 106.

Addendum tamen est, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Hujusmodi Declarationes, quæ jam in Ecclesia uni- versali divulgatae et facto sic promulgatae fuerint usu plurium annorum, vel relatione Auctorum com- muniter ipsas referentium, satis omnes Fideles ob- stringent. Qu.

III. A bishop may dispense in canonical statutes in which a dispensation is reserved? It had previously seemed sufficiently probable that the affirmative opinion should be held, as with Soto, where: The law of a superior cannot be abrogated by the law of an inferior. To whom it may concern, regarding the matter of the beloved, concerning the Temporalities. Ordin.

Question. Fourth. Whether a delegate of the prince, or a delegate for

universal matters, can subdelegate? It is affirmed 1. 1 n. 193. But this is to be limited according to what follows: If a Confessor is chosen as a supplement, it can well be confirmed through another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a three-year period, inasmuch as it is odious and strict in ordinary election but not extraordinary, is so said in lib. 6 n. 559 namely this is understood, when delegation is made as through an Office, or when jurisdiction is delegated to someone with their perpetual privilege or annexed dignity.

Correctum. Question None. Five. If the law ceases, does the end of the law cease likewise in a particular household? The sentence has been pronounced, which calls this probable; and the Abbot, the Count, and others hold this, as stated in volume 1 note 199.

But it must be noted, if a Confessor is chosen as a supplement, he can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. This opinion will hardly ever be probable to occur in practice, because it will hardly ever happen that if a Confessor is chosen as a supplement, he can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium, inasmuch as it is odious and strict, should be understood regarding ordinary election, not extraordinary. In particular, all the danger of this caveat will cease. Question None. VI. If anyone with intent to steal one hundred gold coins seizes them a hundred times in morally interrupted occasions, does he then commit a hundred thefts? It has been said that this is probable, namely, that it is one theft, or rather, one sin committed. But after deeper consideration, it must be said that such thefts are to be regarded as a hundred distinct mortal sins, since each individual theft contains its own particular malice within itself.

Question NoneVII. The act of charity towards God must be elicited at least once in a month, as it is said in book 2, note 8. Addendum est, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta ac- cipienda est de electione ordinaria, non extraordinaria. Eodem modo, nempe semel saltèm in mense tenemur pariter elicere actum Charitatis ergà Proximum, alioquin difficulter hoc præceptum charitatis ergà Proximum observare valebimus. Questio.

VIII. It was said in 1.3 n. 244, that it does not seem improbable that if a Confessor is chosen as a supplement, it can be adequately confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, since it is odious and strict in regard to ordinary election but not extraordinary, can be changed by the one electing into an equivalent (vote). But it must be said according to St. Thomas. Cajetanus probabilius, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. quod, si aliquis Confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo Confessario ultra triennium, prout odiosa, stricta accipienda est de electione ordinaria, non extraordinaria. non possit; quia Deus potius vult rem promissam, quàm aliam. Seek.

IX. They say that several Doctors allow a honorable man to kill an attacker who is attempting to strike him with a blade. But there should be added this: if a Confessor is chosen as supplement, he can be well confirmed by another three years after the time of the supplement, because the prohibition against choosing a Confessor beyond three years, inasmuch as it is odious and strict, ought to be understood with reference to ordinary election, not extraordinary. This wisely teaches Sylvius: For honor is reckoned a better gift than riches, or none at all, or one so rare that on account of defending only the honor itself one may lawfully kill an aggressor. In II. 2 qu. 64 art. 7 qu. 9. Question None

What then is gratia habitualis? Whether beneficiaries who expend superfluous revenues of the benefice on profane uses are bound to restitution has been explained that the affirmative opinion seems more probable; but upon a better consideration, the negative opinion appears not improbable in practice; significantly on account of authority and reason. 2 qu. 185 art. 7. See cited note 492. Question NoneXI.

If anyone has stolen an object whose Lord is uncertain, to whom should it be restored? It was stated in n. 5go, 1. 3, that restitution should be made either to the Poor or to Pious Places of any place. But to this more limitations should be added, which you will find either in the first chapter or shortly thereafter. Seek. XII. Whether a public crime committed in one place can be manifested without fault, at least with grave blame, somewhere else where it is still occult? It was said in book 3 n. 974, when Lug.

Cajet . 3 idem n., ubi nunc sententia limitatur tantùm pro delictis illis, quæ

delinquentem aliis perniciosum efficiunt. Question NoneXIII. Was it gravely displeasing to fast noticeably before noon on a day of abstinence without just cause? It was said in the lesson, But better recalled to the standard, we say with . Question.

XIV. May a bishop settle disputes concerning goods belonging to the Church? 1. 4 num. 167 vera. Regarding the aforementioned statement, it is said not to be possible. But this must be understood thus—only when the Church is obliged to cede something of its possessions through transaction; otherwise, if it were to cede nothing from its possessions. Question.

XV. If the vow is certainly emitted but only probably fulfilled, whether the one who made the vow is bound to fulfill every vow without exception? They deny that more than a probable vow has been discharged, namely according to the questioner. XVI. Whether a penitent is bound to confess certainly committed mortal sin if he merely considers it possibly committed and doubts whether he had confessed it previously?

They deny. Correctarum. . Sed dico cum Concina et aliis, eum tenent peccatum illud clavibus subjicere, cum dubia sit confessio, et certa sit obligatio Confessionis. But see if a Confessor is chosen as a supplement, it can be well confirmed by another triennium after the time of the supplement, because the prohibition against choosing a Confessor beyond a triennium is understood to be odious and strict in the case of ordinary election but not extraordinary; for it is said: "Question None" XVII. May a sacrament be conferred under condition, except if a confessor be chosen for supplementation, which can be sufficiently confirmed through another triennium after the time of supplementation, since the prohibition against choosing a confessor beyond a three-year period, inasmuch as it is odious and strictly to be accepted from ordinary election, not extraordinary, is said - Question 1. 6 n. 29, in fin. affirmed with Tourn.

Castrup. and other very common things. But because there are not lacking Authors for some, such as Gonet, Juvenin, Contens. Serry, etc., qui teneat (licet parùm probabiliter) valorem Sacramenti non pendere a intentione Ministri, sed tantùm ab ipsa collatione Sacramenti seriò peracta, tutius est conditionem praesumptum verbis exprimere. Question NoneXVIII.

Whether a person is bound to confess a sin mortally committed with certainty, if afterwards there is doubt whether that was the case or not, as stated in law 6, number 477: it has been said that he should not be held, if he believes probabilistically that he has already made known the confession of his sin in the Confessional. But now we say that he must be

held to have confessed, because the obligation to confess certainly stood certain, thus confession ought to be just as certainly; nevertheless, see cited note 477. Questio. XIX. A priest who has been deposed by the Church, if he should act as a heretic, schismatic, or excommunicate—first, from the standpoint of the Confession, if he had no jurisdiction, or certainly hindered by censure (he must always and by himself be shunned, even if tolerated), is he permitted to absolve those who are in danger of death, if another should lack the opportunity? l. 6 n. 56o.

Question. I. The negative opinion has been confirmed: But now we test the contrary with Sylvius, Coletus, Sylvester, Cano, etc. Question NoneXX. Sed nunc probamus sententiam affirmativam cum aliis, utcumque Sylvio, Colet, Sylvestro, Cano, etc. Question NoneAn si penitentem confessum sit superiori, et inculpabiliter sit oblivitus peccati reservati, poterit deinde à quolibet confessorio de illo absolvi! L. 6 n. 597 probavimus sententiam negativam, sed nunc ex auctoritate Pii, Colleti et signanter Sylvi qui affirmativam cum Sylvestro. Covar. and several others hold it as certain that we cannot reject this.

Question. XXI. An inhabilitation to celebrating, which penitentiaries incur through solicitation, is it incurred before the sentence? It is affirmed in l. 6 n. 705; but now see this: if a penitentiary is chosen for supplementation, it can be well confirmed by another triennium after the time of supplementation, because the prohibition against choosing a penitentiary beyond a triennium, as odious and strict in the case of ordinary election, not extraordinary, is said in this Edition under cited num. Question NoneXXII.

Bishops can absolve from excommunication those who have tried to extricate delinquents from the Church! tom 9. Addendum. II. nu. xvnu affirmatum est; sed nunc oppositum tenendum cum Fagnano, qui id probat; vide 1. c. Question NoneXXIII. In Praxis Confessarii, post librum VII dicitur episcopis et eorumque delegatis concessam esse facultatem impertiendi indulgentiam plenariam infirmis eam petentibus in articulo mortis; addendum, ad hoc requiri, si aliquis confessarius eligatur pro supplemento, bene possit confirmari per aliud triennium post tempus supplementi, quia prohibitio de non eligendo confessario ultra triennium prout odiosa, stricta accepienda est de electione ordinaria, non extraordinaria.

Bishops shall have this faculty at the hands of the reigning Pontiff, and obtain it. Question None. XXIV. During examination. The addition is made: take note if a Confessary is chosen for supplementation, it can be confirmed by another triennium after the time of supplementation,

because the prohibition against choosing a Confessary beyond three years, as being odious and strict, pertains to ordinary election, not extraordinary.

Question NoneXXV. In that same matter having been carefully considered, it now appears to me sufficiently probable; since among the Doctors there is a common opinion, and the foundation for the opposite view is not deemed certain. Inquire. XXVI.

If the chalice is to be re-invested, should it also be consecrated anew? Having judged this less probable, I consider it more reasonable once again that the chalice be considered consecrable; see the annotation added at the last place cited. END OF THE SEVENTH BOOK. INDEX OF THE TREATISES AND CAPTIONS OF BOOK SEVEN. Chapters. Pages.

PROSECUTION OF TREATISE SIX. — On Marriage. 3 Concerning Impediments to Marriage..... 3 BOOK SEVEN. ON ECCLESIAL CENSURES AND IRREGULARITIES. 1 Concerning censures in general..... 141 2 Concerning excommunication..... 225 3 Concerning suspension and degradation..... 361 4 Concerning interdict..... 374 5 Concerning irregularity..... 381 OBSERVANTES TO USE THE BASSANENSI EDITION OF THE YEAR 1816. Number 1009: where there is cloudiness, let there be nobility. No. 1107 and No. 1108 be brought forward, read, taken away, and see how rightly No. 1031 is cited in its place by the Salmanticensium! Let them also note that Nos. 1004, 1006, 1005, and 1007 are badly cited, so that even St. Thomas No. 994 may be noted for the same reason.

Number 1134 in place, let them read it correctly. Number 1143: in place of remote, they should read remote. N.° 1144 loco matrimonii legant matrimonii. In the same place read reconvalidation by reconvalidation. In place of obreption, read obreption.

In the place of the contracted, read the contracting. In the Treatise on Penalties. No. 1, let them read of whose correction despair is incurred. Number 62 in place affirming, Saîr reads Suarez, because Saîr denies it. Number 65: Let the first tribunal read at the place of the first tribunal first.

N.° 95 let them read: The rules shall follow those seen among La Croix: book 7 n. 126, and let them see that the citation of VII. n.° 122 is correct...! N.° 156 let them read for communication. N.° 157, 1.° legant: alicujus ordinis n.° 2, N.° 158 legant: etsi prohibeatur loco nisi etc., N.° 179

loco ignorantia vincibilis legant: invincibilis. Number 201, in lieu of utility, let it be read either spiritual or temporal utility. Number 263, in lieu of adoptive, let it be read either adoptive or illegitimate. N.° 205 loco Pontifex intelligit, legant Pontifex intendit. N.° 289 legant: Biblia vulgaria, et n.° 291 periculum perversionis.

No. 347 let another be reading and not one who transgresses. N.° 351 let them read: at N.° 356 let them read: there is no irregularity, as they hold in c. 8 n. 60.) N.° 357 let them read: from the violation they have censured. N.° 358 legant: innoxius excomm. etc. N.° 378 legatur propriè membra. N.° 380 legatur: negant N.° 388, legant: mutilat, vel occidit. N.° 398 legant: cessante defectu.

Let it be read: according to the order received. No. 445 let it be read: Deacon. No. 456 let it be read: that in this volume some texts erroneously quoted have been corrected by numbers 979, 1036, 1054, 1096, 1114, 1119, 1124. and in book 7, nos. 71, 75, 83, 122, 135, 136, 173, 212, 221, 223, 256, 260, 263, 298, 343, 350, 388. - Digitized by Google Digitized by Google Digitized by Google Digitized by Google This book should be returned to the Library on or before the last date stamped below. Incurretur latae sententiae quotidiana in retenendo eam ultra horarium specificum. Oportet restituere celeriter.